



**REPUBLIC OF MOZAMBIQUE**

**THE IMPLEMENTATION OF THE AFRICAN CHARTER ON THE  
RIGHTS AND WELL-BEING OF THE CHILD**

**2015-2018**

**(Fourth Periodic Report)**

Maputo, August 2019

## INDEX

<b>LIST OF ACRONYMS</b>	<b>4</b>
<b>PROLOGUE</b>	<b>6</b>
<b>I. INTRODUCTION</b> 6 b) Demographic Composition    6 c) Culture and Religion 6 d) Political, Economic and Social Situation	<b>8</b>
<b>II. GENERAL IMPLEMENTATION MEASURES (Article 1)</b>	<b>11</b>
11 a) Political Measures    14 b) Legislative Measures    17 d) Mechanisms for the Coordination of Child-related Policies    19 e) Budget for Child-related Matters	<b>19</b>
<b>III. DEFINITION OF THE CHILD (Article 1)</b>	<b>20</b>
<b>IV. GENERAL PRINCIPLES (Articles 3, 4, 5, 7, 12 and 26)</b>	<b>22</b>
22 a) Non-discrimination (Articles 3 and 26))    23 b) The best interests of the child (Article 4) 22 c) The right to life, survival and development (Article 5)	<b>24</b>
<b>V. CIVIL RIGHTS AND LIBERTIES (Articles 6, 7, 8, 9, 10 and 16)</b>	<b>30</b>
a) Name and nationality (Article 6)	<b>30</b>
b) The preservation of identity (Article 8)	<b>33</b>
c) Freedom of thought, conscience and religion (Article 9)	<b>33</b>
d) Freedom of association and peaceful assembly (Article 8)	<b>33</b>
e) Protection of privacy (Article 10)	<b>34</b>
f) The right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment, including corporal punishment (Article 16)	<b>34</b>
<b>VI. SOCIAL, ECONOMIC AND CULTURAL RIGHTS (ARTICLES 11-12 AND 14)</b>	<b>36</b>
<b>A. EDUCATION, VOCATIONAL TRAINING AND GUIDANCE (ARTICLES 11 AND 12)</b>	<b>36</b>
36 a) Pre-school education    37 b) School education    40 c) Extracurricular activities    40 d) Leisure, Recreational, Cultural and Artistic Activities (Article 31)	<b>40</b>
<b>B. BASIC HEALTH AND WELFARE (Articles 5, 13, 14, 20.2 (a-c) and 26)</b>	<b>41</b>
41 a) Survival and development (Article 5)    41 b) Health and health-related services (Article 14) b.1. Endemic Diseases    43 b.2. Malnutrition    45 b.3. Vaccination Coverage    46 b.5. HIV and AIDS    47 b.6. Youth and Adolescent-Friendly Health Services (YAHS/SAAJ) 48 b.7. Environment	<b>46</b>
<b>VII. FAMILY ENVIRONMENT AND ALTERNATIVE CARE (Articles 16,18,19,20 and 24)</b>	<b>49</b>
51 a) Parental guidance (Article 20)    51 b) Parental responsibility (Article 20(1))    51 c) Separation of Parents (Article 19(2) and (3) and Article 25)    52 d) Child care services and institutions (Article 20, paragraphs 2 and 26)    54 f) Maintenance (Article 18(3))    55 g) Adoption (Article 24) 56 h) Abuse and negligence, physical and psychological recovery and social reintegration (Articles 16 and 27)	<b>49</b>
<b>VIII. SPECIAL PROTECTION MEASURES (ARTICLES 13, 15, 16, 17, 21, 22, 23, 25, 26, 27, 28, 30)</b>	<b>57</b>
a) Disabled children (Article 13)	<b>57</b>
b) Economic Exploitation Including Child Labour (Article 15)	<b>59</b>
c) Refugee children (Article 23)	<b>61</b>
d) Children involved in armed conflict	<b>63</b>
e) Children of prison inmate mothers	<b>64</b>
g) Drug Abuse (Article 28)	<b>65</b>

h) The Sale, Trafficking and Abduction of Persons (Article 29)	66
i) Children living or working on the streets (Article 26)	68
<b>IX. CHILD VICTIMS OF HARMFUL PRACTICES TO THEIR DIGNITY AND DEVELOPMENT (Articles 1(3) and 21)</b>	<b>68</b>
68 a) Early marriages    69 b) Children belonging to minority or indigenous groups (Article 26)	
69 c) Other Harmful Practices to the Child	
<b>The Administration of Juvenile Justice and Children Deprived of Liberty, Including Any Form of Detention, Imprisonment or Custody</b>	<b>71</b>
<b>XI. THE DUTIES OF THE CHILD (Article 31)</b>	<b>71</b>

## LIST OF ACRONYMS

ACRWC	African Charter on the Rights and Well-being of the Child
AGO	Attorney General's Office/State Attorney
ARI	Acute Respiratory Infections
AU	African Union
CBO	Community-based Organisation
CCPC	Community Council for the Protection of the Child
CRC	UN Convention on the Rights of the Child
DECIPE	Holistic Development Strategy for Preschool Age Children
DHS	Demographic and Health Survey
ESDEM	Economic, Social and Demographic Statistics of Mozambique
ESP/PES	Economic and Social Plan
FTT	Fast Track Treatment
GER	Gross Enrollment Rate
HBS	Household Budget Survey
ILO	International Labour Organisation
IMO	International Migration Organisation
MAPRCM	Multisectoral Action Plan for the Reduction of Chronic Malnutrition
MEF	Ministry of Economy and Finances
MGCAS	Ministry of Gender, Child and Social Action
MINEDH	Ministry of Education and Human Development
MINT	Ministry of the Interior
MISAU	Ministry of Health
MITADER	Ministry of Land, the Environment and Rural Development
MJARC	Ministry of Justice, Constitutional Affairs and Religion
MJD	Ministry of Youth and Sports
MMR	Maternal Mortality Rate
MTCT	Mother-to-Child Transmission
NCAP/PNAC	National Child Action Plan
NER	Net Enrollment Rate
NES	National Education System
NGO	Non-Governmental Organisation
NLTI/INATER	National Land Transport Institute
NSI	National Statistics Institute
OVCs	Orphans and Vulnerable Children
PE1	Primary Education Level 1
PE2	Primary Education Level 2
PRAP	Poverty Reduction Action Plan
SB	State Budget
SDGs	Sustainable Development Goals
SEP	Strategic Education Plan
SETSAN	Technical Secretariat for Food and Nutritional Security
U5MR	Under-5 Mortality Rate

UN	United Nations
UNDAF	UN Development Assistance Framework
UNESCO	UN Educational, Scientific and Cultural Organization
UNHCR	Office of the UN High Commissioner for Refugees
UNICEF	UN Children's Fund
WHO	World Health Organisation
WVP	Widespread Vaccination Programme
ZPI	Zone of Pedagogic Influence

## **PROLOGUE**

The Government of the Republic of Mozambique ratified the African Charter on the Rights and Well-being of the Child in July 1998, reaffirming its commitment to progressively ensure the rights of all Mozambican children. It should be noted that Mozambique also ratified the UN Convention on the Rights of the Child (CRC) and its optional protocols on the use of children as soldiers and the sale of children for purposes of prostitution and pornography, as well as other instruments.

This Report is submitted to the African Union within the framework of Article 43 of the African Charter on the Rights and Well-being of the Child.

The report covers the period from 2015 to 2018 and has been prepared in accordance with the General Directives of the African Committee on the Rights of the Child, as regards form and content.

In fact, the report incorporates statistical information about the country, as well as efforts made to implement the African Charter on the part of Government, civil society, religious institutions and Non-governmental Organisations (NGOs) operating in the country. Amongst the various primary sources of information mentioned throughout the text, are the surveys carried out by the NSI, the results of which were taken as a basis, with the emphasis on Demographic and Health Surveys (DHS), Household Budget Surveys (HBS), Immunization, Malaria and HIV/AIDS Indicators in Mozambique (IMASIDA), amongst others.

The report was drafted by the Ministry of Gender, Child and Social Action, and information was collected and consultations held with state institutions, international organisations, civil society and children, having been approved by the Council of Ministers during the 26th Ordinary Session held on 13 August 2019.

## **I. INTRODUCTION**

## a) Geographical Location

1. The Republic of Mozambique is situated on the south-east coast of Africa, occupying a total area of 799.380 km<sup>2</sup>, subdivided into eleven provinces, namely: Niassa, Cabo Delgado, Nampula, Zambezia, Tete, Manica, Sofala, Inhambane, Gaza, Maputo Province and Maputo City. The Capital of Mozambique is the City of Maputo.
2. The country borders to the **north** with Tanzania, to the **south** with South Africa (Province of Natal) and Swaziland, to the **west** with Malawi, Zambia, Zimbabwe and South Africa. To the east, it is bathed by the Indian Ocean. At regional level, it is a member of the Southern African Development Community (SADC).

## b) Demographic Composition

3. The Mozambican population consists of 27.909.798 inhabitants, of which 15.562.657 are children (7.900.864 girls and 7.661.793 boys)<sup>1</sup>. Based on this data, it can be concluded that about half the population of Mozambique are children.
4. The Mozambican population is predominantly rural, with a variable population density, the highest of which is found in the City of Maputo, with about 4 139 inhabitants per km<sup>2</sup>, and the lowest in the Province of Niassa with about 13 inhabitants per km<sup>2</sup>. The average population density of the country is about 32 inhabitants per km<sup>2</sup> (NSI, Cultural Statistics, 2015).

## c) Culture and Religion

5. Culture is instrumental in promoting patriotic awareness and national unity. Singing, dance, poetry, sculpture, painting and other forms of cultural expression have always played a very important role in mobilising Mozambican citizens in the struggle for the achievement and appreciation of cultural dignity.
6. The country has Portuguese as its official language and has a diversity of African languages.
7. As far as religion is concerned, a considerable percentage of the Mozambican population, in addition to African religions, also professes Christianity (59%), Islam (18.9%), and others. 13.9% of the population is agnostic.
8. It should be noted that Article 12 of the Constitution of the Republic enshrines the principle of secularism of the State, which separates the State from religious denominations. It also states that religious denominations are free in their organisation and in the exercise of their religious functions, and must conform to the laws of the State.

---

<sup>1</sup> NSI, Census 2017

#### **d) Political, Economic and Social Situation**

9. The country held its fifth democratic and peaceful legislative and presidential elections in 2014. The Government prioritises political dialogue by reaffirming its commitment to stability and reconciliation.
10. In fact, Mozambique has recorded high rates of economic growth in recent years, resulting in significant advances with regard to key human and social development indicators.
11. In this environment, the Government's Five Year Programmes have produced positive results for the country's socio-economic growth. However, the desired levels have not yet been attained in the lives of the general population, particularly with regard to children.
12. Poverty reduction is one of the priority objectives on the Government's agenda. Within this context, in 2015, it approved the National Development Agenda (2015-2035) with the aim of raising the living conditions of the population through the structural transformation of the economy, expansion and diversification of the basis of production. The main pillars of the strategy are: (a) Human Capital Development; (b) Development of Production Support Infrastructure; (c) Research, Innovation and Technological Development; and (d) institutional linkages.
13. Efforts have resulted in a reduction in the incidence of poverty, from 51.7% in 2008/9, to 46.1% in total in 2014/15, from 46.8% to 37.4% in urban areas, and from 53.8% to 50.1% in rural areas, in keeping with the trend in previous years. An analysis per province indicates that the incidence of poverty is higher in Cabo Delgado (60.6%), Zambezia (57.1%) and Tete (56.1%). The City of Maputo and the Province of Maputo recorded lower indexes, of 11.6% and 18.9%, respectively (MEF, Poverty and Welfare in Mozambique: Fourth National Evaluation, 2016).
14. Figures from the HBS 2014-15 indicate an employment rate of 67.5%, with the urban area employment rate of 55.7% surpassed by the rural area employment rate of 74.0%. The breakdown of employment rates per province shows that these vary considerably. Thus, the Province of Cabo Delgado occupied top position, registering a rate of 77.8%, against the 53.3% registered in the City of Maputo, the lowest rate, which is equivalent to a very wide range.
15. Data on human development indicate improvements in access to health services, education (both primary and secondary), social protection, particularly in rural areas, as well as the possession of durable goods by households and the quality of housing, attesting to positive development trends in the pursuit of strategic Government priorities. These improvements are the result of an expansion in social infrastructure and the investment in basic, compulsory and complementary social security systems.



16. Despite these efforts, **chronic** malnutrition levels remain high (43% in 2011)<sup>2</sup>. There are also nutritional deficiencies related to micronutrients such as iron and folic acid, iodine and vitamin A. With this situation in mind, there was an increase in the commercialization of iodised salt, and in the distribution of ferrous salt and vitamin A at health units.
17. Nutrition indicators indicate that progress has been made in the percentage of underweight children, which decreased from 24% to 15% between 2003 and 2011. Meanwhile, the nutritional situation of children worsened from 2003 to 2011, as moderate chronic malnutrition in children less than 60 months old increased from 41% in 2003 to 43% in 2011, and acute malnutrition increased from 4% to 6% during the same period.
18. The **infant-juvenile mortality rate** (in children under 5 years of age) was reduced from 122 deaths per 1 000 live births to 97 per 1 000 in 2011, the **infant mortality rate** (under 1 year) was reduced from 101 deaths per 1 000 live births in 2003, to 64 deaths per 1 000 in 2011, and the **neonatal mortality** rate was decreased from 37 to 30 deaths per every 1 000 live births, between 2003 and 2011<sup>3</sup>. This progress was the result of improved access to healthcare services for children and improved quality of care. Despite the progress noted, in general, the disparities between regions are still notorious, with people in urban areas having greater access to basic social services compared to the population living in rural areas, partly due to the low population density.
19. **Maternal mortality** remains an element of concern, despite the recorded reduction of about 500 out of every 100,000 live births in 2007, to 451 in 2017 (NSI, Census 2007 and 2017).
20. The **rate of access to drinking water** improved between 2007 and 2017, with households using water from safe sources increasing from 34.5% to 48.7% (2007 and 2017 Census). In urban areas, where channelled water predominates, access to safe water sources increased from 36.1% to 64.7%, and in rural areas, where the main source is unprotected wells, it increased from 30.5% to 36.1% during the same period.
21. Progress has been observed in the area of **sanitation**, characterized by an increase in households with safe sanitation, from 16% in 2008/9, to 26.9% in 2014/15. The challenges are greatest in rural areas where 13.2% of households have access to safe sanitation compared to 57.8% in urban areas (HBS 2014/2015).
22. The **illiteracy rate** decreased from 50.7% in 2007 to 39% in 2017. This reduction was recorded for both sexes and all age groups except the 15 to 19 year old group, both in urban and rural areas. (Census 2007 and 2017).

---

<sup>2</sup> 2011 DHS

<sup>3</sup> DHS 2003 and 2011

23. The percentage of the population with **access to schooling** increased from 59.6% in 2008 to 67.6% in 2014/15 (HBS, 2008/9 and 2014/15). However, there are challenges in increasing children's access to education since, according to the results of the 2017 Census, 38.6% of children aged 6 to 17 were out of school. The results of the 2017 Census also indicate that 73% of 6 year-olds and 65.6% of 7 year-olds were out of school.
24. The **prevalence rate of HIV/AIDS among people aged 15 to 49** is about 13.2% and higher among women (15.4%) than men (10.1%). In total, there were about 1.5 million people living with HIV in Mozambique, in 2015.
25. In 2009, 510 of 1.8 million **orphans**, had HIV and AIDS as a result (UN, 2011). The average prevalence rate of HIV and AIDS at the time was 1.7% in children between 1 and 4 years of age of both sexes (INSIDA, 2009), which increased to 2% in 2012<sup>4</sup>. Mortality due to HIV and AIDS is about 11.2% in children aged between 0 and 4 years.
26. Malaria is **one** of the major public health problems in X, responsible for high rates of morbidity, disability and poverty. According to the Malaria Indicator Survey, 2018 (IMASIDA), the prevalence of malaria in children aged 6 to 59 months went from 40.2% to 38.9%, from 2015 to 2018, with a higher incidence in rural areas (46%) than in urban areas (18%) and a higher incidence in households with more unfavorable living conditions (58%) compared to those with better living conditions (3%).
27. The Ministry of Health has adopted an integrated malaria control strategy, which includes a combination of interventions: indoor spraying, the use of insecticide-treated mosquito nets, diagnosis and effective treatment of clinical cases and intermittent preventive treatment of malaria during pregnancy.
28. Mozambique is prone to **natural disasters**, such as droughts, cyclones and floods, which have a negative social and economic impact. Floods have caused deaths and displacement. Economic and social activities are affected, while infrastructure such as roads, bridges, hospitals and schools are damaged or destroyed. Paradoxically, the year 2015 was characterized by low rainfall, particularly in the central and southern provinces, affecting the lives of thousands of people. Low magnitude earthquakes have also been reported in recent years.
29. Mozambique has made progress in the implementation of the Sustainable Development Goals, characterized by improved indicators in the areas of health, education, water and sanitation. However, challenges remain which are linked to improved access to quality basic social services, the expansion of social protection programmes, as well as the removal of those obstacles which prevent the full enjoyment of children's rights, such as poverty, violence, helplessness and harmful social practices. Therefore, it is necessary to continue efforts to ensure the survival, protection and development of the child.

---

<sup>4</sup> NSI (2011) Epidemiological Surveillance of HIV and its Demographic Impact on Mozambique: Update, Round 2009

## **II. GENERAL IMPLEMENTATION MEASURES (Article 1)**

30. As mentioned in the previous report, the Constitution of the Republic includes provisions on the rights of the child which are enshrined in the African Charter on the Rights and Well Being of the Child.
31. It establishes the principle of equality between the African Charter and the legislation of the country, by setting out in Article 18 that international treaties and agreements, which have been ratified, are in force in the Mozambican legal order following their official publication and as long as they are internationally binding on the State of Mozambique and have the same value, in the domestic legal order, as the infra-institutional normative acts issued by the National Assembly and the Government.
32. The Constitution also lays down fundamental individual and collective rights for citizens, and unequivocally protects the rights of the child by enshrining in Articles 47, 120 and 121 the rights of the child to protection, opinion, respect for his or her best interests, the protection of motherhood and fatherhood, the responsibility of the family, the State and society for the education and protection of the child, without discrimination of any kind.
33. These provisions are in line with the African Charter on the Rights and Well Being of the Child, the Convention on the Rights of the Child and its Optional Protocols on the Sale of Children for the Purpose of Child Prostitution and Pornography and the Use of Children in Armed Conflict, and other ratified international instruments.
34. In the period covered by this report, the country has carried out a revision of the Penal Code, through Act No. 35/2014 of December 31st, which penalizes negligence, violence and other forms of violation of the Rights of the Child, and the list of dangerous work for children, through Decree No. 68/2017 of December 1st.

### **a) Political Measures**

35. The Council of Ministers adopted several policies and strategies concerning the promotion and protection of the rights of the child. In the period covered by this Report, approval of the new Social Action Policy through Resolution 46/2017 of the 2<sup>nd</sup> of April, by the Council of Ministers, is highlighted, being an instrument of multisectoral and cross-cutting nature, which lays down orientation and general guidelines for intervention in the field of Social Action and for the main drivers for social integration and development.
36. Policy implementation is coordinated by the Ministry of Gender, Child and Social Action.

37. In Mozambique, Government, Civil Society and Non-governmental Organizations, face many challenges in order to ensure and guarantee the right, on the part of all Mozambican children, to survival, development, protection and participation, in the terms set forth in the African Charter.
38. Within this context, in 2016, the Government drew up the new National Strategy for Basic Social Security 2016-2024, with measures which aimed to reduce vulnerability to social risks and ensure social well-being. The Strategy emphasizes that social protection is a necessary investment to combat poverty in the country, and harmonizes the efforts of governmental and non-governmental stakeholders in the planning and implementation of actions for the benefit of poor and vulnerable individuals or groups of individuals, contributing to human and social development in order to ensure greater autonomy, resilience and respect for the social rights of poor and vulnerable people.
39. The Government has continued with the implementation of the National Action Plan for Children 2013-2019 (PNAC II), which integrates actions to be carried out in the framework of the survival, development, protection and participation of the child, with the engagement of civil society organizations, religious institutions, children, international organizations, the private sector and other stakeholders, in the promotion and protection of the rights of the child.
40. PNAC II is implemented through integration into the Social Economy Plan and its financing instruments, at the level of State institutions and in the plans of civil society organizations.

### **Government-Defined Policy Priorities**

41. The Government's Five-Year Programme 2015-2019 (GFP), an instrument that guides Government activity, has as its central aim the improvement of living conditions of citizens, in particular children, by increasing employment, productivity and competitiveness, creating wealth and generating a balanced and inclusive development, in an environment of peace, security, harmony, solidarity, justice and cohesion amongst Mozambicans.
42. In the pursuit of this Aim, the Government has set out 5 Priorities, namely to:
  - a. consolidate National Unity, Peace and Sovereignty;
  - b. develop Human and Social Capital;
  - c. promote Employment, Productivity and Competitiveness;
  - d. develop Economic and Social Infrastructure; and
  - e. ensure the Sustainable and Transparent Management of Natural Resources and the Environment.

43. The achievement of these priorities is underpinned by the implementation and strengthening of the legal framework and policies within the various areas of development aimed at increasing citizens' confidence in the systems of Public Administration and Justice; continuing to attract foreign investors and encouraging domestic entrepreneurship in order to increase investment within the national territory, based on a more attractive business environment, a more robust macroeconomic framework and international cooperation that strengthens and stimulates economic integration.
44. The main activity of the Government is aimed at improving the living conditions of the population, especially in rural areas, where the majority of the population is found, through the rollout of basic services and access to productive facilities.
45. The GFYP incorporates activities aimed at ensuring the survival, protection and development of the child, through the provision of quality basic social services.
46. The Government presumes that respect for human rights, enshrined in the Universal Declaration of Human Rights and the African Charter of Human and Peoples' Rights, is a basic condition for maintaining an environment of social, political harmony and for the development of the country.
47. Within this framework, the Government has continued its efforts to consolidate the rule of law by establishing a fair and prompt justice system.
48. The preservation of National Unity, in the context of ethno-cultural diversity, traditions, religious profession, gender and plurality of ideas has always been preserved, allowing each citizen to reveal his/her talent, creativity and cultural knowledge as ways of promoting freedom of speech, national democracy and culture, which are fundamental aspects for the maintenance of a political and social environment favorable to harmonious economic and social development.
49. Based on the principle that knowledge is an indispensable means for raising the living conditions of Humankind, the Government is committed to the further expansion of education services at the various levels of education, and to improving their quality. The formation of patriotic awareness amongst citizens, especially young people, is one of the main strands of Government activity.
50. The Right to education is one of the fundamental rights of Mozambicans which was won at the time of National Independence. It is within this context that Mozambique accepted the challenge of Education for All. In fact, the expansion of access and retention of children in school is one of the country's top priorities and, as a result, the net enrollment rate of 100 % in Primary School was attained and the illiteracy rate was reduced from 50.3% to 39 % during the period from 2007 to 2017 (NSI, Census 2007 and 2017).

51. Primary and Secondary Education network coverage was expanded to all districts of the country. At the level of higher education, institutions were established in all provinces of the country. In fact, the number of higher education institutions has gone from 49 public and private Higher education Institutions in 2014, to 56 in 2017, across the country.
52. In this respect, the Government continues to prioritise the expansion of children's access to education, complemented by literacy programmes specifically targeting women and youth of either sex.
53. The Government is equally committed to technical and vocational training, based on the socio-economic reality of the country and taking into account the need to establish complementarity between rural and urban development, as well as integration in the vital sectors of our economy.
54. The lives of citizens constitute one of their fundamental rights. Thus, the Government is committed to promoting and preserving health and preventing diseases, in addition to contributing towards the boosting of production and productivity within the family sector, increasing family incomes, elevating living conditions of citizens and reducing absolute poverty levels.
55. The expansion of health services, water supply and sanitation is a priority of the country, materialized through the provision of Primary Health Care, the intensification of preventive actions with regard to communicable and endemic diseases, in particular cholera, malaria and HIV/AIDS, and sanitation of the environment.
56. With regard to HIV/AIDS, measures have been adopted which establish general principles for the prevention, expansion of access to treatment, social inclusion and ensuring that workers and job-seekers are not discriminated against in the workplace.
57. Economic development must be geared towards the aims of poverty eradication, reducing disparities between regions within the country and strengthening national business sectors, and should benefit all Mozambicans citizens.

## **b) Legislative measures**

58. The protection of the child in Mozambique is based on the Constitution of the Republic which has enshrined in it provisions that constitute a solid basis for the formulation, in national legislation, of concrete measures in order to ensure the protection of the child.
59. With a view to ensuring the protection of the child, several laws have been developed which take into account the provisions of the ACRWC and other international treaties on the child, signed and ratified by Mozambique, in order to ensure

the child's right to survival, protection, development and participation, as well as the removal of practices that endanger the child's well-being.

60. Customary law is a fundamental aspect of the Mozambican legal system, being an important reality which is intrinsic to the lives of many Mozambican children. In this context, during the legal reform process, practices were taken into account that favor the survival, protection and development of the child, as well as traditions, customs and aspects of customary law that perpetuate discrimination and those that could be harmful to children.
61. The process for legal reform on child protection in Mozambique, is taking place under the leadership of the Government, with the strong involvement of Civil Society, NGOs and other stakeholders, such as the children themselves.
62. As mentioned in the previous report, several laws in relation to child protection were revised or approved, amongst which are highlighted: the **Civil Registration Code**; Act No. 10/2004, of the 10<sup>th</sup> of August, **Family Law**; Act No. 7/2008, of the 09<sup>th</sup> of July, **On the Promotion and Protection of the Rights of the Child**; Act No. 8/2008, of the 15<sup>th</sup> of July, **On the Organisation of the Custody of Minors**; Act No. 6/2008, of the 09<sup>th</sup> of July, **on Preventing and Combating the Trafficking in Persons, Especially of Women and Children**, and Act No. 29/2009, of the 29<sup>th</sup> of September, **on Domestic Violence Against Women**.
63. Within the context of implementation of Act No. 4/2007, of the 7<sup>th</sup> of February, on Social Protection and the Basic Social Security Subsystem Regulation, the same was approved by Decree No. 85/2009, of the 29<sup>th</sup> of December, which defines children living in poverty as one of the priority target groups of Government interventions.
64. Still within the scope of revisions of the legislation, Act No. 35/2014, the Revision of the Penal Code, aimed at adapting to the political, social, cultural and economic status quo, was approved, guaranteeing the enjoyment of rights and freedoms for citizens, and in line with the current reality. Also, Act No. 18/2018, of the 28<sup>th</sup> of December, establishing the legal system for the National Education System, was approved.
65. Act No. 15/2012, of the 14<sup>th</sup> of August, was passed to protect victims, whistleblowers, witnesses and reporters or experts in criminal proceedings. This Act lays down the protection mechanisms and establishes the Central Office for Victim Protection, which is responsible for providing free support, service and protection measures to beneficiaries and the monitoring of their implementation.
66. The Government approved and submitted to the National Assembly, and initiated the revision of the Labor Law, with the participation of the various state stakeholders, civil society, religious institutions, unions and children, amongst others.
67. These instruments address the different areas of children's rights, creating conditions for their survival, protection and development.

### **c) Disclosure of the Rights of the Child**

68. As mentioned in the previous Report, a strategy for the dissemination of the Rights of the Child was established in the country. In this context, the ACRWC and other instruments relating to child protection have been disseminated by public and private institutions, civil society organizations, Non-Governmental Organizations, United Nations agencies, the media, in lectures, plays, brochures and leaflets. Within the scope of public-private partnerships and through the use of information technologies such as SMS notification, electronic platforms and others.
69. Dissemination and training sessions on children's rights were held, at national level, for officials from institutions and organizations working on issues, including organs from the justice administration, education, health and Social Action, as well as for traditional midwives (matrons), practitioners of traditional medicine, counsellors of initiation rites and religious leaders, amongst others. Around 80 000 copies of brochures and leaflets for adults and children, and 20 000 posters, were produced and distributed in order to ensure knowledge of children's rights and legislation. Five films and radio soap operas were produced and made public, two on children's rights, one on birth registers, two on early marriages and one on the prevention of violence against children, including trafficking and child labour.
70. 12 000 talks were also held nationally, at community, school and institutional level, covering some 1 000 000 people, and 400 debates were held in the media (radio and television, including community radio stations).
71. In recent years, children's rights have also been publicised through social platforms and information technologies such as SMS BIZ, a free and easy-to-use service where young people between the ages of 10 to 24, parents and family members have access to correct information about sexual and reproductive health, through a direct, open and confidential conversation with a trained counselor.
72. During annual celebrations of the 1<sup>st</sup> and 16<sup>th</sup> of June, International Children's Day and African Children's Day, respectively, the dissemination of the Rights of the Child is the main celebration. Annual 16<sup>th</sup> of June commemorations take place on the theme defined by the African Union.
73. In the media, the rights of the child and the provisions of the African Charter are constantly being disseminated for the benefit of both children and adults, as can be seen in the chapter on the right of the child to information.
74. Emphasis is also placed on integrating children's rights into pre-school education teaching manuals and primary and secondary education curricula, as well as in National Education System textbooks.



75. The provisions of the African Charter and the Convention on the Rights of the Child, as well as other instruments relating to the protection of children, have been integrated into training curricula for judges, prosecutors, police officers, migration agents, social workers and child-minders, teachers and others. Similarly, training was carried out for the staff of state institutions and civil society on the Rights of the Child, with the emphasis being mainly on the training of judges, prosecutors, health technicians, teachers, social workers, legal experts, police officers, journalists, child centre workers, nurseries, shelters for children in difficult circumstances, and civil society organizations.
76. Still within the field of the dissemination of children's rights, the activities of Child Protection Community Councils are highlighted, which carry out publicity actions and refer cases of the violation of children's rights to the competent authorities.

#### **d) Mechanisms for the Coordination of Child-related Policies**

77. The Government of Mozambique has adopted articulated policies in order to pursue national agenda priority objectives, through the Government's Five Year Programme (CMP), which are operationalized through the Economic and Social Plan (ESP) and the State Budget (SB).

##### **d.1. Institutional Coordination**

78. Coordination between Ministries and various organs of the state apparatus is done at the various levels, political and technical: (i) at the workshops provided for in legislation, in the work programmes, and (ii) in the elaboration and execution, broadly-speaking, of the Government's Five-Year Programme, sectoral and provincial strategic plans, the medium-term fiscal scenario, the Economic and Social Plan, the State Budget, and other tools of governance.
79. The Development Observatory is a privileged forum for consultation between the Government, Civil Society and partners for the cooperation and monitoring of performance of activities implemented by public and private institutions within the context of poverty reduction.
80. As stated in the previous Report, in order to ensure the coordination and articulation of efforts undertaken by various Government institutions and Civil Society Organisations involved in the promotion and defense of children's rights, as stated in the initial Report, the National Council for the Rights of the Child (NCR) was created by Decree No. 8/2009, of the 31st of March, of the Council of Ministers, chaired by the Minister of Gender, Children and Social Action and represented at the level of the provinces.
81. With the aim of strengthening coordination and engagement between public entities, civil society organisations, religious institutions, the private sector involved in the area

of children, social action and basic social security, the National Council for Social Action (NCSA) was established by Decree No. 38/2015 of the 31<sup>st</sup> of December, of the Council of Ministers, replacing the NCRC.

82. With the creation of the National Council for Social Action (NCSA), the level of its Chairmanship was raised, a role which is assumed by the Prime Minister, with the Vice-Chairman being the Minister of Gender, Child and Social Action, and including the Ministers of Justice, Religious Affairs and Human Rights; Education; Health; Employment and Social Security, and Agriculture and Food Security. The Council also includes 8 representatives of civil society organisations, with interventions in areas concerning children (2), elderly people (2), people with disabilities (2) and basic social security (2), 3 recognized religious institutions and 1 representative of the private sector.
83. The NCSA has a specialised Commission to enable the further development of issues relating to the promotion and protection of children's rights.
84. The Ministry of Gender, Child and Social Action is responsible for directing and coordinating the implementation of the country's gender, child and social action policies.

#### **d.2. Monitoring and Evaluation Mechanisms**

85. The monitoring of actions in favour of the child falls under the Monitoring and Evaluation system of Government Programmes. Thus, at the central level, the monitoring and evaluation activities of Government programmes are taken over by the different directorates of the Ministry of Planning and Development, in coordination with the National Statistics Institute (NSI), particularly in the conduct of quantitative surveys, such as the Household Budget Survey (HBS) and the Demographic and Health Survey (DHS).
86. The successful performance of the Monitoring and Evaluation system depends, in addition, on a communication and cooperation network together with the different stakeholders, namely, national and provincial sectoral directorates, including, first of all, the Provincial Economy and Finance Directorates, as well as other partners. Civil society in general has played an important role by promoting the debate on public policies, based on Monitoring and Evaluation results as presented in the Development Observatories at central and provincial level.
87. At the district level, the management of the Monitoring and Evaluation System is the responsibility of Local Government, centred around Institutions for Community Participation and Consultation, where the quality, utility, sustainability and accessibility of goods and services produced within the framework of programme implementation, are monitored and evaluated.

## e) Budget for Child-related Matters

88. The Midterm Fiscal and Expenditure Framework is an instrument for programming and managing financial resources, guiding the allocation of resources according to the aims set by the Government.
89. The integration of sectoral policies makes it possible to realistically include poverty reduction measures, with guaranteed resources, in the main annual economic management instruments, namely, the Economic and Social Plan (ESP) and the State Budget (SB).
90. Overall, despite fluctuations arising from the economic position in the country, the State Budget allocated to sectors with a direct impact on the implementation of the rights of the child within the region, registered growth. Table 1 shows the percentage of State Budgetary allowance allocated to social sectors with a direct impact on the survival, protection and development of the child, namely, education, Social Action, water and sanitation.

Table 1: State Budget allocated to social sectors.

Description	2015	2016	2017	2018
<b>Total Expenditure (Milhões de MT)</b>	<b>174,291.9</b>	<b>204,304.1</b>	<b>242.285.3</b>	<b>302.928.1</b>
<b>Education (%)</b>	24.0	21.7	23.0	22.7
<b>Health (%)</b>	10.6	11.7	10.1	11.5
<b>Water and Public Works<sup>5</sup> (%)</b>	2.6	4.1	5.6	6.8
<b>Social Action and Work (%)</b>	2.9	2.6	3.6	2.9
<b>Justice (%)</b>	2.4	1.4	1.5	1.6

Source: MEF, 2018

91. The Government has taken action to increase transparency and participation in budgetary processes. Indeed, information on the SB is made available through electronic platforms, meetings and the Development Observatory.

### III. DEFINITION OF THE CHILD (Article 1)

92. As noted in the previous Report, the Law on the Promotion and Protection of the Rights of the Child defines the child as being an individual up to 18 years of age <sup>6</sup>.
93. Legal age is 21 years, when the Law considers the individual to have

<sup>5</sup> The Budget includes Expenditure on Sanitation.

<sup>6</sup> Act No. 7/2008 of the 9<sup>th</sup> of July

- acquired full capacity concerning the exercise of his/her rights, being able to govern his/her person and dispose of his/her goods, by virtue of Article 122 of the Civil Code still in force. For the exercise of political rights, the Constitution of the Republic, in Article 73, paragraph 2, grants electoral capacity to citizens who have attained the age of eighteen, who may thus vote or be elected, with the exception of those who have been legally deprived of the right.
93. In terms of Article 75 of the Penal Code, Act No. 35/2014, of 31 December, Criminal responsibility is acquired at the age of 16, according to Article 46 of the Penal Code, whereby under-age individuals may not be subject to criminal measures which deprive them of their liberty, with only protection, assistance or education measures being applicable.
94. For persons of more than 16 but less than 21 years of age, relative responsibility shall be assured and custodial sentences or measures involving the deprivation of liberty shall be imposed for purposes of education, in establishments for minors or in a section separated from adults in the case of common establishments. According to Article 59 of the same Act, the application of a life sentence of unlimited or indefinite duration is prohibited, regardless of the age of the offender. Capital punishment is prohibited under Article 40, paragraph 2, of the Constitution of the Republic.
95. Legal consultations, as well as the ability to practice legal acts regulated and protected by civil law, are prohibited to individuals who have not reached the legal age of consent, as laid down in Article 123 of the Civil Code. This inability can, however, be remedied by parental authority and guardianship, although in some cases the law requires prior authorization from the juvenile court.
96. With regard to medical consultations, children do not need the consent of their parents to benefit from clinical care, provided that this does not imply surgery. In the case of surgical intervention, written consent of the parents or other person responsible is required for all individuals under the age of 18. In this area, it is important to mention the right recognized for a pregnant child to be able to attend maternal and child health services.
97. Marriageable age in Mozambique is fixed at 18 years of age, pursuant to paragraph 1 of the Family Law (Act 10/2004 of 25 August). The law defines three types of marriages, namely, civil marriages, religious marriages and traditional marriages, with religious and traditional marriages having the same value and effectiveness as civil marriages, once all legal requirements have been met.
98. However, paragraph 2 of the same article stipulates that "a woman or man over the age of 16 years may, exceptionally, contract a marriage when circumstances of recognized public and family interest occur and the consent of the parents or legal representatives has been obtained".

99. In order to ensure the protection of the child, and in accordance with the recommendation by the African Committee on the Rights of the Child, the National Assembly drafted proposals for the revision of Family Law and, in order to fix the minimum age at 18 years, without exceptions, proposed a specific Law aimed at preventing and combating early marriages and the protection of victims, as well as the Law of Succession, with the participation of various sectors of society. (These Laws were approved by the National Assembly in July 2019.) The country actively participated in the process of drafting the Model Law on Early marriages at SADC level.
100. Pursuant to Article 2 of Act No. 32/2009, of the 25<sup>th</sup> of November, 2009, on Military Service, the duty to perform military service and the fulfillment of military obligations arising therefrom begins at the age of eighteen, when citizens are obliged to present themselves for military registration. This is also the minimum age set for special recruitment, the category into which voluntary service falls. The actual intake usually occurs the year in which the citizen reaches the age of 20. It is, therefore, clear that, under the law in force in Mozambique, involvement in military actions by individuals under the age of eighteen is prohibited.
101. Under Labour Act No. 23/2007 of the 1<sup>st</sup> of August, 2007, capacity to legally undertake labour is acquired from the age of 15, providing the possibility for minors between the ages of 12 and 15 to be able to work under special conditions. The conditions for admission of minors to employment are detailed in the appropriate chapter on the labour of minors.
102. The prohibition of alcohol and tobacco consumption and the access of children under 18 years of age to public entertainment venues at night is clearly laid down in the Law on Access by Minors to Public Enclosures for Nighttime Entertainment and the Consumption of Alcohol and Tobacco (Act No. 6/99 of the 2<sup>nd</sup> of February) referred to in the previous report.
103. Article 40 of the Law on the Prevention and Consumption of Drugs (Act No. 3/97) regulates the protection of children against the use of drugs, with more severe penalties imposed on offenders in the case of such substances or preparations delivered to, or intended for, minors.
104. As can be seen from the previous chapter, the concept of the child is in line with that set out in the African Charter. However, some social practices persist which are not in line with the legal framework. In view of this, certain actions are carried out with the aim of disseminating information concerning existing legislation and in order to raise awareness among families and communities about changing behaviors and inculcating respect for existing legislation.

#### **IV. GENERAL PRINCIPLES (Articles 3, 4, 5, 7, 12 and 26)**

106. The Constitution of the Republic of Mozambique enshrines the fundamental principles of citizens' rights, based on the democratic state and the rule of law. Article 35 of the Constitution unequivocally enshrines the universal principle of equality.
107. Interpretations of the constitutional provision and other provisions on the rights of the child are in line with the Universal Declaration of Human Rights and other international human rights instruments.
108. The right to life, honour, good name, reputation, public image, privacy, individual freedoms; the rights of ethnic and religious groups, such as freedom of speech, freedom of the press; the right to assembly and demonstrations; freedom of association, freedom of conscience, freedom of religion and worship, freedom of residence and movement, are all principles which are integrated into the various legal instruments in force.
109. The Constitution also lays down individual rights, liberties and guarantees - for children, including the right to safety, access to the courts, refutation, property, inheritance, work, education, health and housing.

**a) Non-discrimination (Art. 3 and 26)**

110. Articles 35 and 36 of the Constitution establish the principle of the universality and equality of citizens, except for provisions in the Constitution itself, or in the legal system, arising from such provisions, for instance, as marriageable age, voting age, age for access to certain venues, etc.
111. Constitutional provisions, whilst respecting the principle of non-discrimination, protect and guarantee the rights of the child, reflecting international standards within the internal legal order as ratified by the Republic of Mozambique.
112. In addition to the existing legal framework, concrete actions are to be undertaken to provide children with access to education, health, civil registration and others, in order to reduce the gap between children in urban areas and those in rural or poorer areas, especially in collaboration with civil society and national and foreign NGOs, with the aim of eliminating disparities and negative attitudes which are the result of ignorance, prejudice and social or religious practices.
113. It is within this context that the Government's Strategies on the Child aim to safeguard the best interests of the child and, together with participation by the various stakeholders, they envisage the eradication of those social ills which are particularly harmful to the child, such as abandonment, sexual abuse, labour exploitation, delinquency, helplessness and violence.
114. The principle of equality and non-discrimination is reflected in several laws, amongst which, notably, Act No. 18/2018, of the 28<sup>th</sup> of December, which regulates the National Education System (NES), establishing that the NES is guided by the principle

that education is a "*right and duty of all citizens*" and advocating the guarantee of basic education to all citizens, ensuring access to vocational training, and establishing measures for equal access opportunities and academic success.

115. One of the Government's priorities is to phase out the disadvantages faced by children living in rural areas, compared to the access to rights and services offered in urban areas, through programmes to expand social services networks.
116. There is no record of systematic or deliberate discrimination against children based on color, social or ethnic origin, or other criteria, including manifestations of xenophobia or discriminatory attitudes towards refugee children. Meanwhile, Government, in collaboration with civil society, NGOs and cooperation partners, is taking measures to prevent or eliminate disparities and negative attitudes or practices that could promote discrimination against children.
117. In recent years, cases of trafficking and violence against people with albinism, including children, for the purpose of organ-harvesting, have been registered with concern.
118. In relation to girls, several initiatives are being implemented which aim to eliminate disparities between girls and boys, the emphasis being on actions taken to ensure the education of girls, which has resulted in an increase in the percentage of girls compared to boys, from 47.8%, in 2014, to 48.3%, in 2018, at primary school level, and from 48% to 49.0% at secondary school level.
119. It is necessary to stress here that eradication of these discriminatory social ills goes beyond the responsibility of the Government and requires that Civil Society and other national and international partners continue to take responsibility too.

#### **b) The best interests of the child (Article 4)**

120. In accordance with Article 4 of the ACRWC, the principle of the *best interests of the child* is already expressly enshrined in the constitutional text (Article 47(3)) which states that actions affecting children must take into account the principle of the best interests of the child.
121. In terms of ordinary legislation, as mentioned in the previous report, the principle of the child's best interests is laid down in Article 9(3) of the Law for the Promotion and Protection of the Rights of the Child; Article 1 of the Law on the Organisation of the Custody of Minors, and Article 284 of Family Law. In this context, legislative, administrative and judicial measures taken by State authorities are in the best interests of the child.

122. Likewise, the *best interests of the child* are apparent and underlie the application of several other basic principles relating to children's rights, such as non-discrimination, survival and development, as well as respect for the views of the child.

### **c) The right to life, survival and development (Article 5)**

123. As stated in the initial report, the Constitution of the Republic, the Laws of the Family, Promotion and Protection of the Rights of the Child, establish the duty of the State, family and society to protect the child in order to ensure life, survival and development.

124. The basic Social Security Subsystem Regulation approved by Decree No. 85/2009, of the 29<sup>th</sup> of December, 2009, provides for access to social assistance programmes where assistance is provided to children, especially those in difficult circumstances.

125. In this context, the Government, together with civil society participation, implements programmes to ensure basic access to food, education, health and leisure on the part of the child. Despite this, the condition of poverty in which a large part of the country's population finds itself, interferes in the access to basic services.

126. Road accidents continue to affect children's lives, causing injuries, disabilities and the death of children and their family members. In this context, accident prevention measures have been strengthened through the application of rules on distances between schools and roads on public routes; the construction of crossings to allow safe crossing, rigour in training of vehicle drivers; traffic police training; collaboration between Police/School/the National Land Transport Institute (NLTI/INATER), in order to facilitate collective crossings of pupils at critical points on public roads, and the placing of roundabouts on public roads near schools to force motorists to reduce their speed.

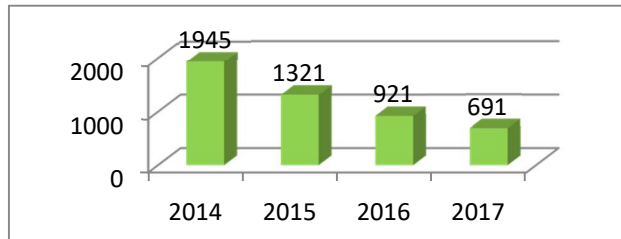
127. In this context too, the Government has adopted legal instruments to reduce road accidents which are the result of professional activities, notably through Decree No. 23/2015, of the 30<sup>th</sup> of September, which sets out rules for driving and rest times for professional drivers, and Diploma No. 122/2013, of the 13<sup>th</sup> of August, of the Minister of Transport and Communications, which regulates the contents and requirements for the restitution of permits to drivers whose licenses are confiscated for medium and serious contraventions. Amongst other measures, it lays down the obligation to carry first-aid kits in public transport and freight transport vehicles, and establishes compulsory rehabilitation for offending drivers.

128. Measures to prevent road accidents involving children have been increased, there were 60 198 lectures held in schools and population centres, 4 350 educational meetings, 15 934 messages broadcast on radio and television, and 47 922 public road awareness campaigns organised, amongst others.



129. These activities have resulted in a reduction in the number of children involved in road accidents, from 1 945 in 2014, to 641 in 2017. Chart 1 shows the number of children involved in road accidents between 2014 and 2017.

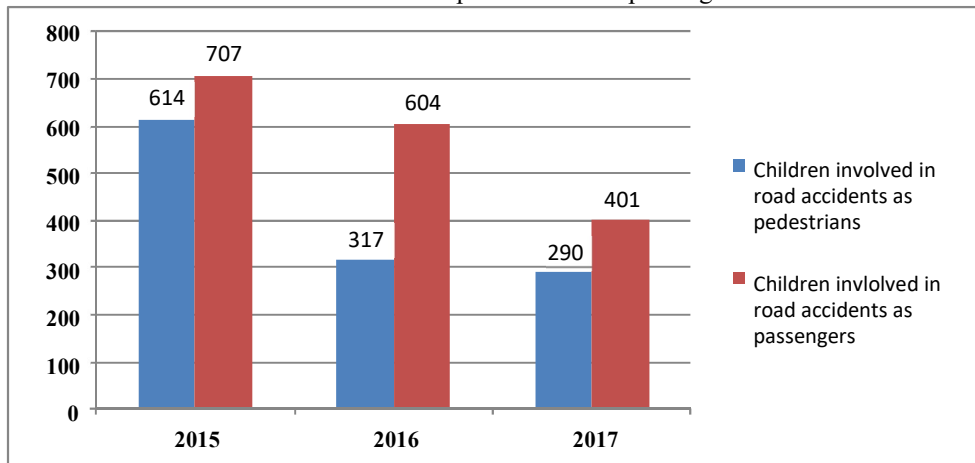
Chart 1: Children involved in road accidents from 2014 to 2017



Source: MINT, 2017

130. Analysis of data according to type of accident indicates that, of the 2 933 children involved in accidents, the majority (1 712, corresponding to 58.3%) were involved in accidents as passengers. The evolution according to the type of road accident can be seen in Chart 2.

Chart 2: children involved in accidents as pedestrians and passengers



Source: MINT, 2018

131. In order to prevent railway accidents, activities have been carried out in order to raise awareness amongst children and adults concerning the need to respect signalling and to maintain a minimum distance of stay near railway lines.

132. In 1998, Mozambique ratified the "Ottawa Treaty", the Landmine Ban Treaty and the Convention on Cluster Munitions in 2011, in light of which it undertook a commitment with regard to the clearance of landmines and was declared mine-free.

133. Following the completion of demining operations, the Government prioritised the implementation of programmes to improve the quality of life of disabled people, particularly landmine victims. In this context, the Council of Ministers approved the Landmine Victims Action Plan (2015-2019), with activities implemented by different

stakeholders within the areas of Basic Social Protection, Health, Physical Rehabilitation and Psychosocial Support; Employment, Vocational Training and Socio-economic Integration, in order to reinforce activities of assistance already underway, in the context of implementation of the National Plan for the Disabled.

#### **d) Respect for the views of the child (Article 7)**

134. As was stated in the Initial Report, Article 47 of the Constitution of the Republic states that children may freely express their views on matters which concern them, and that their opinion shall be duly taken into account in reference to their age and maturity.
135. Under Family Law, judicial decisions concerning guardianship, regulation of parental power, juvenile justice and the placement of children in foster families, must take into account the views of the child. In particular, in the case of adoption, an audience with the child to be adopted is obligatory once the child turns 7 (Art. 399), with a legal restraint which makes it compulsory to obtain the child's consent from the age of 12 (Art. 396).
136. There are several forums in the country which cater for the participation of children in matters affecting them, as well as training for the exercise of citizenship, namely:

**d.1. Children's Parliament:** As mentioned in the previous report, the Children's Parliament is an initiative of the Government, with coordination from the Ministry of Gender, Child and Social Action, operating at the national, provincial and district levels, with operational experience gained at some Administrative Posts.

It constitutes the main mechanism for participation whereby children elected by other children, taking into account gender balance, geographical representativeness, children with disabilities and in vulnerable situations, reflect on their rights, interact and have a dialogue with members of the Government, members of parliament and Civil Society representatives, on issues affecting their lives.

It is worth noting the participation in the Children's Parliamentary sessions, of the Head of State and the President of the National Assembly, who interact with the children. The issues raised by the children are properly handled by State institutions and Civil Society, which seek to provide answers to the concerns raised.

In addition to participating in parliamentary sessions, "*child MPs*" distribute information on childrens' rights at schools and within communities of parents and mentors in education, as well as amongst community and religious leaders and throughout the community in general.

*Parliament* contributes towards changing attitudes with regard to children and in the implementation of concrete actions which take into account the fact that recommendations are implemented by different stakeholders, through integration into the SEP and civil society organisation plans, at the various levels.

**d.2. School Councils:** Children participate in school boards made up of representatives of pupils, parents, teachers and communities. School councils discuss and propose solutions to problems affecting their schools. Alongside these boards, participation in school life occurs via regular meetings between students and class directors.

**d.3. Community Councils for the Protection of Children:** Children participate in Community councils. Community Child Protection Councils are composed of elected adults and children, which have been set up as part of the response to the problem of orphans and vulnerable children. In addition to facilitating children's access to basic services, Community Councils carry out activities for the distribution of information on the Rights of the Child.

**d.4. Participation in Media:** Children participate in the production and presentation of programmes for various public and private media, in the Portuguese and Mozambican languages, from child to child, at media level. In order to ensure the effective participation of children in programmes, 350 children were trained in journalism on Radio Mozambique and Mozambican Television, at national level, and "children's clubs," spaces where children prepare the content of programmes to be broadcast, were established.

137. The children also participate in various programmes as viewers. For example, 4 000 teenagers and young people participated in the Cesta Jovem programmes, a series of programmes produced by TVM in coordination with the Ministry of Youth and Sports, in which they reflected on issues concerning them.

138. Two National Youth Forums were held, with participation by 300 adolescents and young people, permitting participation in issues that concern them and in the country's development process.

139. At the level of civil society, training activities were also carried out for children in journalism, with a view to enabling them to participate in the dissemination of information. For example, the Children's Network and the Communicators Network on Children's Rights (RECAC) empowered children in journalism.

140. Regarding the views of the child, a major constraint has been some negative social practices, such as early marriages arranged between families, violence and other related practices.

**e) Providing information for and promoting participation of the child (Articles 4, 7 and 12)**

141. The right to information is enshrined in Articles 74(1) and (2) of the Constitution of the Republic, which provide that all citizens have the right to freedom of speech, freedom of the press and information.
142. The Constitution of the Country also allows public entities, private entities or cooperatives to own media outlets. The public media sector should serve the public interest and promote public access to information.
143. The public sector should design and carry out balanced programming, taking into account the diversity of interests and preferences of its audience (including children), promote communication for development, produce and disseminate national achievements, and promote culture and creativity.
144. The guarantee of media impartiality, freedom of the press, the rights of the media and the right to a reply, as well as striving for respect for social ethics and complying with the ethical principles of journalists, is carried out by the Senior Council of Social Communication, established by Act No. 18/91, of the 10<sup>th</sup> of August. This law promotes the right of children to freedom of speech and to development by establishing, in Article 4, as objectives, the Promotion of democracy and social justice; the raising of the level of social, educational and cultural awareness of citizens, and the education of citizens on their rights and duties.
145. According to HBS, between 2008/2009, there was an increase in households with a radio, from 54.56% to 55.5%, in 2014/15, while households with a television increased from 12.4% to 24.2%. It can be seen from this data that more children now have access to information.
146. The examples given below illustrate how to promote and respect children's rights to participate in ways that reflect their point of view, and the dissemination of information and material of social and cultural interest to the child.
147. Radio Mozambique, the country's main broadcasting body, covers the extensive national territory through its national and provincial broadcasters, as well as frequency modulation transmission services in some cities. At this broadcasting station, programmes for and from the child are regularly radio transmitted and, in some cases, they are produced and presented by the children themselves, who have been granted the right to freedom of speech and initiative. Children who are the recipients of the programmes are given the opportunity to participate, either by correspondence or by telephone, or even by studio presence when the programmes air live.
148. In its dissemination of news concerning children, RM respects the postulate in its Editorial Statute, namely, observation of ethical aspects and the rights of children, and highlights the right to privacy and protection from stigmatization, as well as protection from the influence of values which could be harmful to the development of the character of the child.

149. The School of Journalism includes in its professional journalism training and capacity-building curriculum, modules dedicated to the treatment of child-related issues.
150. The Media Institute (ICS) plays a very important role in public education and community mobilisation, especially in rural and peri-urban communities, on issues relating to the improvement of living conditions of the population in general and children in particular.
151. The Institute set up 54 community radios and 12 mobile multimedia units in rural areas. It also established Radiophonic Collective Listening Centres, through the provision of receiver-to-string radios, solar power and electric current.
152. With regard to civil society, 50 community radios affiliated to the Community Radio Forum (FORCOM) were established.
153. With respect to television, Mozambique Television (TVM) is another important means of communication when it comes to the dissemination of children's rights, the promotion of educational and recreational children's programmes, as well as promotion of debates and television reports on issues relating to the lives of children.
154. In addition to TVM, there are other television stations which broadcast in the country and, through special contracts, the public has access to private packages of international television programmes broadcast by satellite.
155. In the written press, there are several newspapers which disseminate information relating to children's rights.
156. Efforts to ensure children's access to information have resulted in the production of various programmes, in the Portuguese language and in national languages, from children to children, at the level of the media, with particular reference to the dissemination of an annual average of 360 programmes on Antena Nacional and the Provincial Broadcasters of Radio Mozambique and TVM, and 460 on community radios.
157. Children's libraries are scarce. However, primary schools have libraries or a quantity of books for consultation and reading by students. It is worth mentioning, however, that there is also the publication of small thematic books intended for the education of the child, covering subjects which relate to children's lives.

## **V. CIVIL RIGHTS AND LIBERTIES (Articles 6, 7, 8, 9, 10 e 16)**

158. In Article 35, the Constitution lays down the principles of universality and equality. On this basis, Articles 48 and 51 concede the child rights to freedom of speech, freedom of the press, the right to assembly and demonstration, as well as the right to information. In fact, freedom of

speech, which comprehends the child's faculty to express his/her thoughts via all legal means and to exercise the right to information, cannot be limited.

**a) Name and nationality (Article 6)**

159. The Mozambican child's right to a name is duly enshrined in the internal legislation of the country, as referred in the previous Report. Family Law, Article 205, establishes the Right to a name and to registration irrespective of the origin of birth.

160. With regard to nationality, the Constitution lays down the principle of nationality of origin and acquired nationality. For nationality of origin, in Article 23, it establishes as follows: "**Article 23**

1. *The following are Mozambican, as long as they were born in Mozambique:*

- a. *children whose father and mother were born in Mozambique;*
- b. *children of stateless people, whose nationality is unknown or not divulged;*
- c. *whoever was domiciled in Mozambique at the time of independence and who did not chosen, whether expressly or tacitly, another nationality;*

2. *Children, even if born in a foreign country, whose father and mother are Mozambicans in service to the State outside of the national territory;*

3. *Children, even if born in a foreign country, whose father and mother are of Mozambican nationality, as long as they shall have declared themselves, if of legal age (eighteen years old), or through their legal representatives, in the case of minors, that they wish to be considered Mozambican".*

161. In turn, it is established under the principle of territoriality, as enshrined in Article 24, that *Mozambican citizens are those citizens born in Mozambique following the proclamation of Independence, with the exception of children of a foreign mother and father whenever either of them are in Mozambique in service to whichever State they belong.*

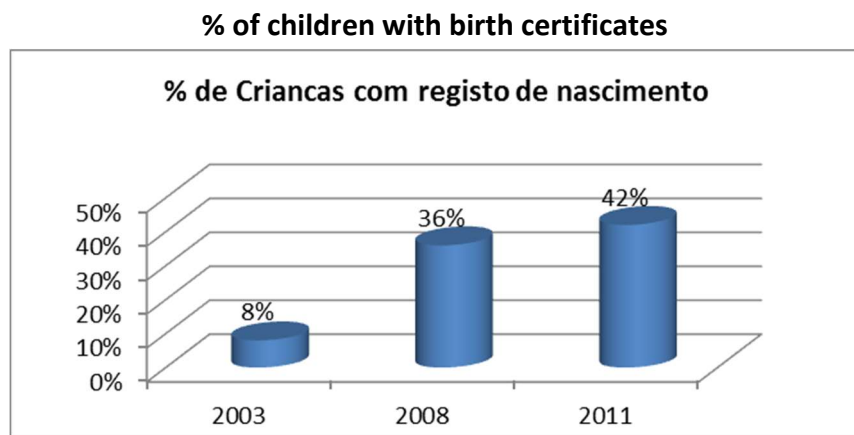
162. Article 25 establishes that "*individuals are Mozambican who fulfill the requisites of nationality of origin, not having acquired it by virtue of a choice of their legal representatives, as long as, being eighteen, and up to a year from having attained legal age, they should declare, of their own volition, that they wish to be Mozambican.*".

163. Nationality may only be acquired by persons of legal age, except in cases of adoption, in accordance with Article 29, *of those adopted in full by Mozambican nationals and, by virtue of parentage, in accordance with Article 28.*

164. Responsibility for birth registrations is vested in the Civil Registry services. The aim is to ensure better access to the register.

165. The DHS of 2011 revealed that only 42% of children under 5 years of age was registered, demonstrating a slight increase compared to the 2008 Multiple Indicator Survey (MICS), which indicated that 31% of children under five years of age was registered, 39% in urban areas and 28% in rural areas (DHS, 2011). DHS 2011 data compared to DHS 2003 results indicate that there has been significant progress from 8% to 42%. The improvement in birth registrations can be seen in Chart 3.

Chart 3: % of children registered by 2011



Source: MICS, 2008, DHS 2003 and 2011

166. 2017 Census data indicate that 71.9% of under-18s have birth certificates, representing a positive development compared to the 41.4% registered in the 2007 census. The Census also indicates that 28.9% of people reported that they experienced problems in accessing services due to the long distances involved, and 21.6% indicated lack of time as the main reason for non-registration of children.

167. Progress has been recorded as a result of several Government actions with the coordination of the Ministry of Justice, Constitutional Affairs and Religion (MJACR), for the massification of birth registrations, with the support of UNICEF and partners, highlighting the opening of new birth registry offices, including in some maternity units, the use of mobile brigades, including record-keeping, as part of National Child Health Week, and an integrated campaign of birth registrations and the issuance of identity cards. This strategy has resulted in an increase in the registration of children during their first years of life.

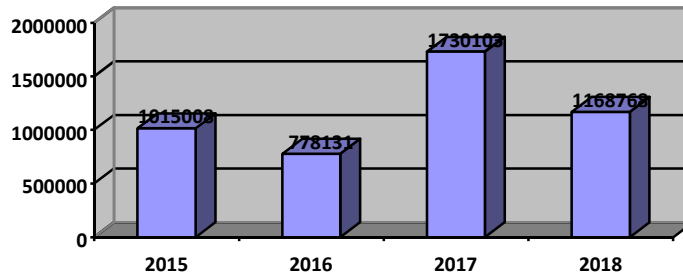
168. At the same time, awareness-raising activities have been stepped up amongst their families and communities, on the importance of children's registration, through radio and television programmes, theatre, leaflets and posters, as well as other means.

169. The MJACR, in collaboration with the Ministries of Science and Technology, Health, the Interior and the National Institute of Statistics, initiated a process of implementation of an Electronic Birth Registration Programme and its connection to

vitaly important statistics, allowing for greater interconnection with the databases of various sources.

170. All efforts undertaken have permitted the registration of 4 692 111 children from 2015 to 2018, as illustrated in Chart 4 below.

Chart 4: # of children registered



Source: Ministry of Justice, Constitutional Affairs and Religion, 2019

171. However, despite measures undertaken to ensure the registration of children at birth, as mentioned above, the problem of late registration of children still prevails since many children are not registered before 120 days.

172. Efforts are expected to continue in this respect, with the aim being to expand civil registration services and to enhance awareness-raising activities regarding the registration of children at birth.

#### **b) Preservation of identity (Article 8)**

173. Mozambican legislation recognizes the child as having all the constitutive elements of his/her identity, in particular the right to a name, nationality and family. Once the right to a name is enshrined, its preservation is also guaranteed and protected under national legislation, and this is one of the ways to respect the best interests of the child with regard to the building blocks of his/her identity.

#### **c) Freedom of thought, conscience and religion (Article 9)**

174. All citizens, including children, are guaranteed the exercise of the right to freedom of thought, conscience and religion, as per provisions of Article 12(3) and (4), taken in conjunction with Article 54 of the Constitution of the Republic.

175. The Government, via the Ministry of Justice, Constitutional Affairs and Religion, established procedures for registering religious entities through a simple procedure. It should be noted that the Government has initiated the process of drafting a law on religion and religious freedom.

176. Religious matters are not part of the official curriculum of education in



Mozambique, but are taught freely in churches, mosques (Madrassas) or private schools run by religious denominations, on a voluntary basis.

#### **d) Freedom of association and peaceful assembly (Article 8)**

177. As was stated in the initial Report, freedom of association and peaceful assembly are expressly enshrined in Articles 51 and 52 of the Constitution of the Republic, which establish, respectively, the right of all citizens to freedom of assembly, in accordance with the Law, and enjoyment of the freedom of association.

178. Under ordinary legislation, the right to freedom of association is duly regulated by Article 3 of Act No. 8/91, which provides the liberty to citizens over 18 years of age, in full enjoyment of their civil rights, to freely form associations, establish institutions designed to achieve their specific objectives and possess property for the performance of their activities, provided that they are not armed (military or paramilitary), do not promote violence, racism, xenophobia or pursue purposes contrary to the law.

179. As regards citizens under the age of 18, the same law guarantees freedom of association in setting up youth organizations. In exercising this right, children and young people have organized themselves into youth associations, thus enabling their active participation in social life.

180. As for the right of assembly, which is also expressly enshrined in the Constitution, it is duly regulated by Act No. 9/91, Article 3 of which provides for the freedom of all citizens to exercise their right to assemble and demonstrate peacefully and freely.

181. Under the Law in reference, there are no restrictions on the freedom of children to demonstrate peacefully themselves, or to join peaceful demonstrations, provided that they are conducted in compliance with the law in force and in situations that do not conflict with their best interests.

#### **e) Protection of privacy (Article 10)**

182. Article 51 et seq. of the Constitution of the Republic states that every Mozambican citizen has the right to honour, good name, reputation, the defense of his public image and the protection of his private life, and that all constitutional provisions relating to fundamental rights are interpreted and integrated in accordance with the Universal Declaration of Human Rights, the African Charter on the Rights and Well-being of the Child and the African Charter on Human and Peoples' Rights.

#### **f) The right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment, including corporal punishment (Article 16)**

183. Mozambique has ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, by Assembly Resolution No. 8/94, of the 20<sup>th</sup> of December.
184. As a means of introducing the provisions of this Convention into domestic law, Article 40 of the Constitution on the Right to life and physical integrity, establishes the *right to life and to physical and moral integrity and the right not to be subjected to torture or cruel or inhuman treatment, and, moreover, it establishes that there is no death penalty in the Republic of Mozambique.*
185. Article 6 of the Law on the Promotion and Protection of the Rights of the Child stipulates that children must not be subjected to negligent, discriminatory, violent and cruel treatment, neither shall they be subjected to any form of exploitation or oppression, and that any act which results in a violation of the principles set out above shall be punishable by law. Article 11 establishes the right to life, which includes respect for the physical, moral and mental integrity and holistic development of the child.
186. Abuses and violence against children are punishable under the provisions of the Penal Code.
187. Therefore, cases of the mistreatment and cruel treatment of children, by relatives or third parties, when detected, deserve due treatment by the police and judicial authorities, penalizing the offenders. Article 179 of Act No. 35/2014, of the 31<sup>st</sup> of December, of the Revision of the Penal Code, makes particular mention of domestic violence against children by establishing a prison sentence and a fine of up to 6 months for those who inflict physical and psychological ill-treatment on, and who do not provide care, health care or who employ in dangerous activities, a minor who is under their care, guard or responsibility.
188. However, despite the fact that current legislation protects children, cases of violence have been recorded, mainly within the family group.
189. As mentioned in the previous Report, the Ministry of the Interior has installed Sections and Service Offices for Family and Minors who are Victims of Violence, at Police Stations, District Commands and Police precincts, within the framework of the implementation of national instruments, ACRWC, CDC and other instruments in force.
190. With the aim of bringing services closer to communities and thus ensure access to services for victims of violence, the number of Support Sections for Victims of Violence increased from 280, in 2014, to 306, in 2018.
191. In fact, from 2015 to 2018, 10 339 cases of violence and neglect against children were registered in the Sections and Service Offices set up for the Care of Families and Minors. Table 2 shows the number of children who have received assistance, by type and year.

Table 2: Children assisted at the Sections and Service Offices for Families and Minors

TYPE OF CRIME	CHILD VICTIMS OF SEXUAL ABUSE, ABDUCTION, TRAFFICKING AND ILL-TREATMENT				
	PERIOD OF OCCURRENCE				
	2015	2016	2017	2018	TOTAL
Abuse <sup>7</sup>	245	172	455	228	1100
Sexual violence	761	803	1.012	1145	2.710
Abduction	40	20	26	15	101
Trafficking (signalling)	9	10	24	17	60
Children Found <sup>8</sup>	1226	1250	1177	1704	5357
<b>TOTAL</b>	<b>2.281</b>	<b>2.255</b>	<b>2.694</b>	<b>3109</b>	<b>10.339</b>

Source: MINT, 2019

192. The data in the table above represent a portion of the cases of violence and neglect against children. Denunciation of these cases is the result of efforts by the Government, in coordination with civil society and partners, to raise awareness amongst children, families and communities.

193. In order to ensure adequate care for victims, the Integrated Assistance Mechanism for Victims of Violence was established in 2012, with the aim of improving access and availability of quality services in an interconnected manner. Coordinated by the Ministry of Gender, Child and Social Action, the Mechanism integrates the Ministries of Health, Interior and Justice, and includes participation by civil society organizations.

<sup>7</sup> Includes cases of bodily harm.      <sup>8</sup> Includes neglect and abandonment of the minor

194. Still within the framework of the existing partnership between Government and civil society, support services are provided which render social, medical, psychological and legal assistance to victims of violence and their families.

195. In addition to children who are victims of violence, there are also often cases of lost children. Until their relatives are identified, they are sent to host institutions belonging to the State and civil society organizations.

196. Within the area of prevention, actions have been taken to prevent violence against children and to empower the various stakeholders already mentioned in the Chapter on General Implementation Measures, of this Report.

## VI. SOCIAL, ECONOMIC AND CULTURAL RIGHTS (ARTICLES 11-12 AND 14)

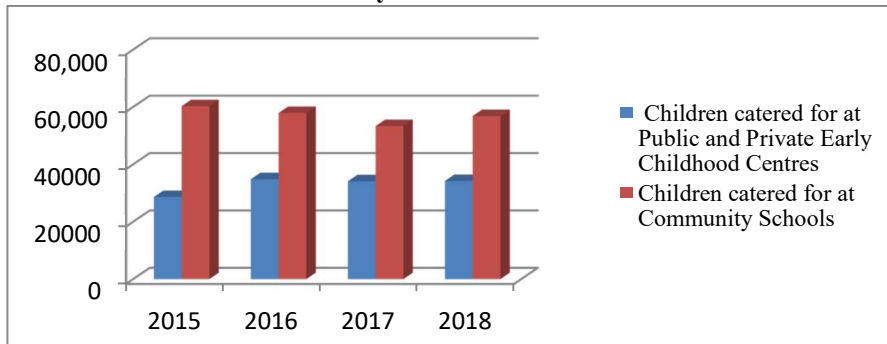
### A. EDUCATION, VOCATIONAL TRAINING AND GUIDANCE (ARTICLES 11 AND 12)

197. The Constitution and current legislation state that education is the right and duty of every citizen, and that it is the duty of the state to promote the extension of education to include continuing vocational training and equal access for all citizens.
198. In this context, actions are taken to ensure progressive access to basic education for all citizens, through the expansion of the school network and of teacher training.
199. The right to education is realized through the National Education System, whose essential principles are contained in Act No. 18/2018, of the 28<sup>th</sup> of December, enshrining sub-systems of Pre-School Education; General; Adults; Professionals; Teacher Education and Training, and Higher Education.

#### **a) Pre-school education**

200. Pre-School Education aims at the holistic and harmonious development, above all, of the intellectual, moral, social and psychomotor capabilities of the child.
201. Pre-school education is provided through early childhood centres, for children under the age of 6. It is complementary to the educational activities of the family, with which it cooperates closely. The Ministry of Gender, Child and Social Action, together with the Ministries of Education and Health, is responsible for defining the general standards for pre-school education, supporting and monitoring compliance with these, and for defining criteria and standards for the opening, operation and closure of pre-school facilities.
202. The Council of Ministers has approved the strategy for the holistic development of children of pre-school age (DICIPE) and has begun to implement the pilot project with World Bank funding.
203. In the period under review, the number of public and private early childhood centres increased from 419, in 2015, to 620, in 2018, and the number of community schools increased from 690 to 747. These initiatives catered for 91 070 children, representing an increase of 9 504 compared to 2014. The graph below shows the evolution of early childhood centres and little schools, from 2015 to 2018.

**Chart 5: Children catered for at early childhood centres and little schools**



Source: MGCAS, 2019

204. There are some challenges to be faced in trying to increase the coverage of early childhood centres and little schools and in the training of children's educators.

## **b) School education**

205. In order to expand children's access to various levels of education, new schools were built, new teachers were trained and allocated, and school material was provided, in particular, textbooks and teachers' manuals, increasing distance learning and literacy for young people and adults as activities complementing formal education and contributing to the reduction of illiteracy and poverty. Scholarships were awarded to the most deprived pupils, exemption from enrollment fees and tuition fees were conceded to destitute pupils, especially in the rural areas where there is a higher incidence of poverty.

206. In the public Primary Education (PE1+PE2) arena, the school network experienced a substantial expansion. The number of schools in PE1 grew from 11 922, in 2014, to 13 027, in 2018. In PE2, the number of schools grew from 5 231, in 2014, to 8 147, in 2018.

207. On the other hand, there is a noticeable increase of teachers with psychopedagogical training, from a percentage of 93.0%, in 2015, to 98.0%, in 2018.

208. There was an overall improvement in the number of students per teacher in PE1 (public), the average having gone from 62.6 students per teacher, in 2014, to 59.9, in 2017. However, in 2018, the average number of students per teacher increased due to an increase of 7% in the number of students enrolled at school. This relative improvement was the result of a recruitment drive of new teachers to PE1, which permitted an increase in the number of teachers with psychopedagogical training, to 98.6%, in 2018.

209. At Primary Education level (PE/1st to 7th grade), there was a reduction in the gross enrollment rate (GER), from 118.5%, in 2014, to 117.2%, in 2018. The net enrollment

rate at the age of 6 in the 1st grade reached 93.1%, with 92.5% being girls. In absolute terms, the number of students at PE level went from about 5.6 million, in 2014, to 6.6 million, in 2018, amongst which 48.1% were girls.

210. Net rates have continued to rise, meaning that each year more students attend the level of education that corresponds to their age group, due to the success of the campaigns promoted, namely: (i) community awareness campaign on school admission for children of the right school-going age; (ii) birth registration campaigns, and (iii) extension of the tuition period for first grade students.
211. The gross completion rate for Primary Education (completion of the 7th grade) decreased from 49.3%, in 2014, to 43.7%, in 2018.
212. Gender disparities in PE have diminished markedly. The percentage of girls amongst the total number of students rose from 47.4%, in 2014, to 48.3%, in 2018. That is, gender parity in Primary Education was 0.91 in 2018, compared to the 0.89 observed in 2014.
213. However, teenage pregnancy is a challenge and it is equally challenging to strengthen preventative and protective measures for girls in order to keep them in school.
214. The Government has striven to create conditions and spaces at schools in order to cater for children with special needs. It should be observed that there are children with special educational needs in this group, as well as orphaned and vulnerable children.
215. As part of the expansion of the social protection component, through the Programme of Direct Support to Schools (DSS), a total of 45 districts, chosen throughout the country, are covered, with the focus on orphaned and vulnerable children. Within the framework of the care of children with Special Educational Needs, three Inclusive Educational Resource Centres (IERCs) were built, equipped and set up, focusing on the primary and secondary school levels, covering areas of training and professional capacity-building, diagnostic and guidance services, and the production of materials, mobilisation and community awareness, amongst others.
216. Acknowledging a need for improvement in the quality of education, the Government continues to focus its interventions on the triangle composed of three inextricably linked elements: the curriculum, the teacher and the teaching means, in particular the pupil's textbook and the teacher's manual.
217. As a way of improving levels of care for children of school-going age, above all to encourage girls to attend school, the Government has prioritised the training of teachers. This measure led to an increase in the number of female teachers in PE1 from 35 346, in 2014, to 43 223, in 2018, which translates as an increase from 46.2% to 49.9% in the total number of teachers.

218. Exemption from primary school enrollment fees is one of the major steps that the Government has taken to ensure that all children have access to school. This is complemented by the free distribution of textbooks to all primary school pupils.
219. One of the challenges faced in the area of education is the placement of school desks for all students. In this context, under the coordination of the Ministry of Education and Human Development, the “Raise the Children from the Ground” campaign was launched, which consists in placing more desks at school.
220. The campaign was strengthened in 2015, with the leadership of the Head of State, by the production of seizure timber desks within the scope of illegal harvesting control, the recovery of damaged school desks and mobilisation of the private sector for the supply of desks, within the framework of corporate social responsibility. In this context, 269 004 new desks were produced and distributed by 2018.
221. Daytime secondary education, especially first-phase education, has grown as a result of the pressure exerted by the growth of primary education. The number of units that teach this level went from 626, in 2014, to 1 129, in 2018, and the number of students went from 986.6 thousand, to 1 197 thousand, during the same period. This growth is one of the biggest challenges facing Mozambique, as it does not yet have the conditions and the means to meet demand.
222. With the aim of capitalising on distance learning for the expansion of access to Secondary Education, the extension of the programme to the whole country in 2018 reached 31 968 students from the 8th to 10th grade, of whom 15 933 were female.
223. Once new literacy programmes were developed and the respective books were produced, a new literacy timetable and class hours were devised flexibly with the interested parties, thereby aligning their productive needs with their education.
224. Adult literacy and education programmes enable the acquisition of reading, writing and calculating skills that are indispensable for solving everyday problems and developing life skills relevant to the individual, family and community, culminating in better care for the needs of the child.

### **c) Extracurricular activities**

225. The Youth in Action Programme was implemented, which is a multisectoral, community-based programme involving the Provincial Directorates of Youth and Sports, Education and Culture, and Health.
226. Vocational training and pre-vocational training are being carried out at the level of centres and projects for the care of children in conditions of hardship, and at the level of Community Councils, which have benefited some 40 000 children. These activities include carpentry, sewing, fine arts, shoe repair and others.

## **d) Leisure, Recreational, Cultural and Artistic Activities (Article 31)**

### **d.1. Healthy Free Time Occupation**

227. Healthy occupation and cultural and sporting activities take place on a permanent basis in schools, childcare centres and communities.
228. The Ministry of Youth and Sports promotes sporting activities, such as children's tournaments, known as **BEDEC's**, which are part of the **Mozambique in Movement Programme**, involving children aged between 8 to 15 years, throughout the country.
229. Emphasis is also placed on the holding of school sports festivals at the district, provincial and national level, whose activities run throughout the year.
230. Children's sports tournaments usually take place during the school holidays, with the highlight being the National tournament, with participation from students of all the provinces.
231. Youth Camps, youth exchanges, and 3 editions of young creator's shows were held. Likewise, cultural festivals are held at all levels which involve children and adults.

### **d.2. Environmental Education**

232. Within this area are highlighted the inclusion of environmental issues in formal education and the promotion of environmental clubs in schools, through the integration of environmental content in school programmes, the implementation of extra-curricular activities such as cleaning campaigns, the creation of green spaces, the production of school newspapers and the promotion of cultural activities
233. Alongside these activities, the Ministry of Land, Environment and Rural Development (MITADER) has produced educational materials on current subjects aimed at children, which merit particular attention, for example: flooding, erosion, burning and the environment in general.
234. The implementation of tree-planting campaigns at the level of schools and communities, under the motto "one student, one plant", is also worth mentioning.

### **d.3. Culture**

235. Culture has been fully promoted through festivals - national, provincial and district - and literary contests, in order to protect and enhance national cultural diversity.



236. There has been the implementation of the Bilingual Teaching Programme whereby 150 446 children from 1 208 public and community schools in all provinces, benefit from classes in local languages. Bilingual teaching classes are taught in 16 national languages, by 2 788 teachers trained for the purpose.

## **B. BASIC HEALTH AND WELFARE (Articles 5, 13, 14, 20.2 (a-c) and 26)**

### **a) Survival and development (Article 5)**

237. In Article 40, the Constitution of the Republic establishes the right of every citizen to life and physical and moral integrity.

238. At the programmatic level, the Government's Five Year Programme, the National Action Plan for Children, includes actions to ensure the conditions needed for the survival and development of the child. Information on actions taken and progress achieved can be seen throughout this report.

### **b) Health and health-related services (Article 14)**

239. The Law on the Promotion and Protection of the Rights of the Child establishes the rights of the child, in Articles 12 and 13, to the protection of life and health. Article 3 of Act No. 2/77, of the 19<sup>th</sup> of January, 1977, stipulates that all preventive measures are free of charge. According to Article 5(1)(e) of Act No. 4/87, of the 19<sup>th</sup> of January, read in conjunction with the provisions of Article 1(2) of the same Act, internment in sanitary units, medical and surgical treatment for persons under 18 years of age, including preventive health care, diagnostic examinations, external consultations and hospitalisation, treatment, whether medical or surgical, and the acquisition of pharmaceutical products is also free.

240. With a view to broadening access to quality health care for the general population, especially children, 152 new health units were built across the country between 2015 and 2018, including 1 central and 4 district hospitals and 8 275 additional health professionals in various specialties and categories were trained and placed.

241. These measures resulted in an increase in the number of people who now travels less than 30 minutes on foot to reach a health unit, from 66.4%, in 2008/9, to 68.3%, in 2014/15. Access is high for populations residing in urban areas (76.7%), compared to rural areas (64.4%) (HBS, 2014/2015).

242. An analysis of data per province found that Maputo City (96.4%), Maputo Province (86.3%) and Gaza (83.4%) are the provinces with the greatest access to health infrastructure. The Province of Cabo Delgado has the lowest access level, with 38.7%.

243. Health Centres (67.6%) and Hospitals (22.3%) represent the most sought-after sanitary units. There are no significant differences by quintile in spending and education levels, from which it can be deduced that access to public services does not discriminate according to socio-economic conditions.
244. As part of the strategy to strengthen and humanise health services during implementation, several actions are under way to improve the humanization and quality of service delivery. However, challenges prevail both in extending the health network and in improving the quality of services.

### **b.1. Endemic Diseases**

245. Malaria remains a major public health problem and the leading cause of mortality amongst Mozambican children, at 30%, followed by neonatal deaths (29%), HIV (10%), pneumonia and acute respiratory infections (10%), other infections (5%), malnutrition (4%) and meningitis (2%).
246. Malaria is responsible for about 60% of hospitalisations in pediatrics, with a prevalence which varies between 40% and 80% in children of 2 to 9 years of age. About 20% of pregnant women are infected with the parasite, with first-time mothers being the most affected, at a prevalence rate of 31%.
247. With the aim of reducing the prevalence of malaria, the Ministry of Health has drawn up a Strategic Plan for the National Programme on the Prevention and Combat of Malaria 2012-2016, and has carried out several activities, including awareness-raising, intra-household spraying and the distribution of mosquito nets treated with long-duration insecticide. In fact, according to the Immunization Indicator Survey on Malaria and HIV in Mozambique (IMASIDA, 2015), the number of households that had at least one net treated, increased from 50% in 2011, to 66% in 2015.
248. Figures from IMASIDA (2015) indicate that 53% of children sleep under a treated mosquito net or in a sprayed house. Although there has been an increase of 5 percentage points compared to DHS 2011 data, the prevention and reduction of malaria cases is still a challenge. In total, 58% of pregnant women slept in an ITN or in a sprayed house, resulting in an increase of 8 percentage points compared to DHS 2011. The prophylactic treatment of malaria in pregnancy (intermittent preventive treatment - IPT) has increasingly encompassed a greater number of pregnant women. The percentage of pregnant women who took, at least, the 2 recommended doses of IPT was 34% in 2015 (INSIDA), compared to 20% in 2011 (DHS).
249. From 2015 to 2018, 7 water supply systems, 8 353 dispersed water sources and 96 564 domestic connections, were built or installed nationwide, resulting in an increase in the number of people with access to clean water.

## **b.2. Malnutrition**

250. In Mozambique, about 43% of children under the age of five suffer from chronic malnutrition, a situation which has not improved significantly in recent years. Data from the Baseline Study of the Technical Secretariat for Food and Nutritional Safety (SETSAN) 2013 indicate that there was a maintenance in the prevalence of chronic malnutrition (height to age) of 43% verified in the demographic health survey of 2011, but with some changes in the prevalence at the provincial level, having registered a worsening in the provinces of the Centre (Tete (from 44% to 50%); Manica (from 42% to 45%); Sofala (from 36 % to 44%) and, in the south of the country, Gaza (from 27% to 38%); Maputo Province (from 23% to 25%); Maputo (from 23% to 30%), with an improvement in the North, Nampula (from 55% to 50%), Cabo Delgado (from 53% to 51%) and the Province of Zambezia (from 45% to 40%).
251. The immediate principal causes of chronic malnutrition in Mozambique are inadequate nutrient intake and high infection levels. According to the Multisectoral Action Plan for the Reduction of Chronic Malnutrition (MPRDC) (2010), malaria and gastrointestinal parasites affect half the population, with the same number of women who are treated at prenatal visits suffering from sexually transmitted diseases, in addition to half of them becoming pregnant whilst children.
252. The underlying causes of chronic malnutrition are food insecurity, inadequate practices in relation to the care of young girls, mothers and children, as well as insufficient access to health, clean water and sanitation services. According to the 2013 SETSAN Core Study, chronic food insecurity still affects 24% of all households, with acute food insecurity affecting 3.5% of households.
253. In relation to complementary feeding, the results of the DHS showed that, of children aged 6 to 23 months who were breastfed, 28% received food from four or more food groups, 44% had the minimum food dose, and 15% had the minimum food dose, including at least four food groups. Among unbreasted children, 41% received food from four or more food groups and 31% received the minimum food dose, with the indication that children aged 6-9 months need at least three main meals, plus two snacks during the day, in addition to breastfeeding. A more recent study conducted by SETSAN, in 2013, revealed that, in the group of children aged 6 to 23 months, 38% received minimum recommended meal doses, 30% had minimum adequate dietary diversity and only 11% had an acceptable minimum diet.
254. The prevalence of acute malnutrition (low weight for the height), an increase of 6%, in 2011 (DHS, 2011), and 7%, in 2013 (SETSAN, 2013). According to the SETSAN Baseline Study, the most affected provinces are Nampula (12%), Zambezia (9%) and Tete (9%) It is necessary to consider that levels of acute malnutrition can vary significantly in one year for reasons of seasonal variation and food security.

255. The percentage of children under five years of age with low weight for their age (acute and chronic malnutrition) showed a tendency to decrease significantly, from 18%, in 2008 (MICS, 2008), to 15%, in 2011 (IDS, 2011).
256. The most common micronutrient deficiencies in Mozambique are: Vitamin A deficiency (69%) (MISAU, 2012), iron deficiency anemia (64%) (IMASIDA) and iodine deficiency in the school-age population, which are considered serious public health problems.
257. In 2010, the Government approved the Multisectoral Action Plan for the Reduction of Chronic Malnutrition in Mozambique 2011-2015 (20) (MAPRCM). This Plan presents a package of activities/interventions with priority and sectoral strategic aims that, over a 10-year period, expected to contribute in the reduction, from 44% in 2010, to 30%, in 2015, and 20% in 2020. These targets were revised in the Government's Five Year Programme, 2015-2019, which sets the reduction level at 35%.
258. The International Code for the Marketing of Breast Milk Substitutes was reproduced and distributed at national level, and the regular commemoration of International Breastfeeding Week was implemented, with the aim of increasing the percentage of children who are breastfed.
259. The Baseline Study carried out by SETSAN in 2013 shows that 69% of newborns were breast-fed in the first hour after birth and that about 41% were exclusively breastfed in the first six months of life (SETSAN, 2013), showing progress compared to 43% in 2011 (DHS, 2011). This percentage remains low, as the MAPRCM targeted an increase in exclusive breastfeeding in children of less than six months, of 60% in 2015, and 70% in 2020.
260. The Basic Nutritional Package was approved and primary-level health workers were trained. This package includes aspects relating to: breastfeeding, complementary feeding, supplemental vitamin A and iron supplementation, regular consumption of iodised salt, nutritional monitoring, a balanced family diet and appropriate nutritional care for sick and malnourished children.
261. Having regard to the situation of malnutrition and food and nutritional insecurity in Mozambique, from 2012, the Ministry of Education and Human Development implemented the School Feeding Programme, through which children in vulnerable situations, particularly in the area of food insecurity, receive school lunches.

### **b.3. Vaccine Coverage**

262. The percentage of fully immunized one-year-olds showed significant improvements, reaching 66% in total, 63.5 % amongst girls and 68.1 % amongst boys (IMASIDA, 2015).

263. As a result of improved vaccine coverage, measles outbreaks are no longer being recorded. Supplementary vaccination activities take place in the health weeks of the child, in order to reach children who may be lost to the routine vaccination cycles of the health facilities. During these weeks, all vaccines on the vaccination schedule are administered, in addition to vitamin A supplements. The Extended Vaccination Programme introduced the pneumococcal vaccine, PCV10, in 2014, in order to contribute to the reduction of pneumonia caused by pneumococcus. In 2015, this Programme introduced rotavirus vaccines, the inactivated polio vaccine (IPV) and the second dose of the measles vaccine, into routine vaccinations, thereby contributing to the attainment of Millennium Development Goals 4 and 5 (MDGs). As a way of ensuring a wider protection spectrum, in 2017, the nationwide swap of this vaccine for PCV13 was initiated.
264. The introduction of these vaccines will reduce the incidence of and mortality from diarrhea caused by the rotavirus, which is the third major cause of mortality in children under 5 years of age, and will speed up polio elimination efforts.
265. A comparison of the DHS data 2011, with IMASIDA 2015, indicates that, at the National level, immunization has increased from 64.1%, in 2011, to 66%, in 2015. Residential and geographical disparities remain accentuated, with total immunization ranging from 49.9% in the province of Zambezia, to 87.1% in Maputo City. Children of mothers without any level of schooling are vaccinated less compared to children of mothers with secondary or higher education (52.5% compared to 84.7%).

#### **b.4. Maternal Health**

266. As part of efforts to reduce maternal and child mortality rates, routine annual data show that the country has been making progress in interventions that contribute to this reduction, namely with an increase in the coverage of Institutional Births: 87%, in 2018, compared to 72 %, in 2015.
267. Increase in the coverage of Institutional Births is a result of the response of communities with regard to the importance of childbirth in a maternity hospital, the expansion of the health network and an increase in the number of maternal and child health (MCH) nurses, trained and placed in maternity wards.
268. The growth in Family Planning coverage is the result of the implementation of the Family Planning and Contraception Strategy (2011-2020), based on international commitments such as the Millennium Development Goals (MDGs), London Commitments, 2012 and 2017, the FP2020 initiative and Sustainable Development Goals (SDGs).

#### **b.5. HIV and AIDS**

269. Mozambique faces a growing problem of orphaned children. The HIV prevalence rate amongst adults was estimated at 11.5%, in 2015, in the 15-49 age group (IMASIDA, 2015).
270. The Government adopted the National Strategic Plan to Prevent and Combat AIDS, 2010-2014, which integrated actions covered by the Prevention Acceleration Plan, adopted in 2008.
271. According to the DHS 2011, it is observed that, generally, knowledge of prevention methods is greater amongst men, with 79% of men aged 15 to 49 saying that it is possible to prevent AIDS infection using condoms whenever they have sexual relations, and 90% saying that the risk of disease can be reduced by having only one sexual partner. Despite this percentage, only 51% of men have comprehensive knowledge of the disease, compared to 31% of women.
272. 43% of women and 51% of men believe that it is justifiable for a woman to refuse to have sexual intercourse with her husband if she knows that he has sexual relationships with other women.
273. As part of the fight against AIDS, Act No. 12/2009, of the 12<sup>th</sup> of March, lays down the rights and duties of people living with HIV and AIDS, and takes the necessary measures to prevent, protect and treat them. Article 4 provides for the right to medical care and medicines, cohabitation and education, the inviolability of sexual, moral and psychological integrity, and food, among others. The same Law protects children living with HIV and AIDS, in a special way, by stipulating in Article 5 that children enjoy the rights and guarantees enshrined in the Constitution of the Republic, the Convention on the Rights of the Child, the African Charter on the Rights and Wellbeing of the Child, as well as other existing legislation, and that the family and the community have a duty to ensure assistance and education their midst and that only in exceptional cases shall these be these provided via substitute families.
274. Article 9 of this Law also establishes the rights of children living with HIV and AIDS who are vulnerable to education and medical care, respect for their serological condition and monitoring by the State, in order to ensure their social inclusion until they reach the age of majority.
275. In recent years, progress has been made in the areas of prevention, care and treatment. In fact, the number of daily infections fell from 345 to 223, between 2009 and 2015. Also, there was a significant reduction in the rate of mother-to-child transmission during pregnancy, childbirth and breastfeeding, from 24 %, in 2009, to 6.7 %, in 2015. This reduction was due to increased access to HIV testing services and ART for pregnant women, which in 2018 reached 94 % of HIV-positive pregnant women in 2018. However, the government is concerned about the high level of new infections, despite preventive actions carried out by the different stakeholders.

276. By the end of 2018, 1 455 NHS health facilities offered ART, corresponding to 89% of the health facility network, resulting in an increase in the number of people with access to Antiretroviral Treatment (ART), from 646 312, in 2014, to 1 212 562, in 2018. As regards children, the numbers increased from 60 768 to 86 920, corresponding to a growth of around 43% during the same period.
277. There are still some constraints with regard to this component, concerning lack of knowledge on the part of the population about the need to lead children to take the test, and the difficulty in taking a decision about starting treatment.

#### **b.6. Youth and Adolescent-Friendly Health Services (YAHS/SAAJ)**

278. The Youth and Adolescent-Friendly Service was created to improve access, on the part of adolescents and young people, to health sector services. It was initially established for the prevention of sexually transmitted diseases, including HIV and AIDS, having passed on to sexual and reproductive health in general. In recent years, the YAHS has begun to deal with the holistic health of this age group (as well as other situations which endanger the life of adolescents and youth, such as drug consumption, alcohol, etc.) and the development of healthy living habits. 673 YAHS are in operation, of which 156 are specific in nature and 517 are alternative. In fact, 112 YAHS offer antiretroviral treatment services.
279. This Programme is multisectoral in nature, with the Ministries of Education and Human Development, Youth and Sports and Health, carrying out the same activities with this age group, within the framework of the Bizz Generation. The totality of these services already distributes more than 1 million condoms annually.
280. Data comparisons between IMASIDA 2015 and the Demographic and Health Survey (NSI, 2011) indicate that, from amongst young people aged 15 to 24, comprehensive knowledge among women, concerning HIV, had increased from 30%, in 2011, to 31%, in 2015, and had decreased among men, from 52% to 30%, during the same period.
281. According to DHS 2011, 24.5% of young and adolescent girls (15-24 years), had their first sexual encounter before the age of 15, compared to 16.8% of boys. In this group, 3% of girls and 25% of boys had had two or more sexual partners in the last 12 months, but only 38% of the girls had used condoms.
282. The Demographic and Health Survey (DHS) 2011 indicated that 14% of women between 20 and 24 years of age were married before the age of 15, and 48% before the age of 18, which represents a reduction from 2008, of 51.8% (MICS, 2008). In terms of geographical distribution, the Province of Niassa records 24% of women between the ages of 20 and 24 married before the age of 15, followed by Zambezia, Sofala and Nampula, with 17% each. As regards weddings before the age of 18, Nampula records 62%, Cabo Delgado 61%, Manica 60% and Niassa (56%).

283. Despite reductions, the prevalence of early marriages is still one for major concern and it is in this context that the Government approved the National Strategy for the Prevention and Combatting of Early marriages, 2016-2019, aiming to create a propitious environment for the reduction and progressive elimination of early marriages. The Strategy, to be implemented by the various stakeholders, integrates actions within the framework of (1) Communication and social mobilisation; (2) Access to quality education and retention; (3) Empowerment of female children; (4) Sexual and reproductive health; (5) Mitigation and rehabilitation; (6) Legal framework; (7) Research and monitoring, and (8) Multisectoral coordination and advocacy.
284. The prevailing challenge resides in strengthening actions to empower and raise awareness amongst children, families and community leaders on reproductive health and the removal of social practices that are harmful to children.

#### **b.7. Environment**

285. Concerning this aspect, urban development plans for cities, towns and districts were approved and implemented, with the aim of correctly laying out the social infrastructure in order to ensure a healthy environment.
286. Environmental audits, monitoring and impact assessment have been carried out on several projects running in the country; and the Clean Production Centre has also been set up, with the objectives of defining acceptable environmental standards and, with the basis on these, to encourage industries to introduce clean technologies, thereby guaranteeing public health.
287. In the same way, special attention was paid to providing basic conditions for communities, especially for children, with the emphasis on potable drinking water and environmental cleanliness, as well as to conduct community awareness campaigns on the consumption of treated water, sanitation and nature conservation.

### **VII. FAMILY ENVIRONMENT AND ALTERNATIVE CARE (Articles 16,18,19,20 and 24)**

288. The Constitution of the Republic establishes, in Article 120, that it is the responsibility of the family to protect the child. It also establishes the duty of parents to provide assistance to children, whether born in or out of wedlock.
289. Family Law and the Law on the Promotion and Protection of the Rights of the Child, establish the right of children to live in their family, and the duty of parents and family to protect the child, as well as the responsibility of the State to take measures so that children are not separated from their parents against their will, unless the competent authority so decides in the best interests of the child.



290. The Government approved the Regulation on the Alternative Protection of Minors, through Decree No. 33/2015, of the 31<sup>st</sup> of December, which regulates conditions and procedures for the alternative protection of minors separated, temporarily or permanently, from their family members or at risk of separation, with a view to consolidating and harmonizing the mechanisms for the protection of their rights.
291. About half of the population (46.1%) lives below the poverty<sup>7</sup> line, and a significant amount of the population with an income above the poverty line, is very concerned about the risk of falling into poverty in the case of shocks and that "the level of spending from the first to the fourth quintile shows moderate differences".
292. Immigration accentuates most social risks, including child mortality, chronic malnutrition, school drop outs, child labour, early marriages, amongst others.
293. Households are vulnerable to **natural disasters**, including droughts, floods and cyclones. These decrease the level of consumption of the affected populations and deteriorate their goods and assets, increasing their vulnerability. Households are also vulnerable to **unusual or individual shocks**, which affect households, such as serious illness or death of a productive member of the family.
294. HIV and AIDS, endemic diseases, chronic diseases, including diabetes and hypertension, have as their consequences the orphaned situation of children, who are often forced to look after their younger siblings as well as their disabled grandparents.
295. Against this backdrop, the Government has implemented Programmes to assist vulnerable groups, including children, through the National Social Action Institute (INAS), **Direct Social Support** (PASD), which consists of support in material means, usually staple foods, school supplies, means of compensation to people temporarily disabled and unable to work, and a **Social Allowance** (PSSB) which is the monthly disbursement of a monetary value to people who have been disabled from work, with a view to contributing to minimizin their basic food necessities.
296. The number of beneficiary households of the Direct Social Action Policy (PASD) and Basic Social Subsidy Programme (PSSB) increased from 396 352, in 2014, to 420 143, in 2018. This includes provision of assistance to 7 761 child-headed households.
297. The Productive Social Action Policy Programme (PASP), in 2018, benefited 121 557 vulnerable work-capable household members.
298. Through the Government Programmes in reference and activities of the various organizations, support was provided to Orphaned and Vulnerable Children. Table 3 shows the number of children who received multiple forms of assistance, per province per year.

---

<sup>7</sup> MEF (2016), Poverty and Welfare in Mozambique: Fourth National Assessment (HBS 2014/15).

Table 3: Orphaned and Vulnerable Children - Multiple Forms of Assistance

Province	2015	2016	2017	2018
Niassa	5.000	6.544	500	565
C. Delgado	8.796	6.969	3.949	3.195
Nampula	23.970	24.115	21.144	20.961
Zambezia	65.465	8.718	149	527.69
Tete	26.514	29.786	243	0
Manica	12.642	26.750	4.113	159
Sofala	15.902	17.506	216	21.670
Inhambane	10.257	15.001	1.040	181
Gaza	20.020	12.050	7.324	11.347
Map. Prov	989	7.846	1.934	16.341
Map. City	14.937	13.645	11.416	15.864
<b>Total</b>	<b>204.49</b>	<b>146.44</b>	<b>52.028</b>	<b>143.05</b>
	<b>2</b>	<b>0</b>	<b>2</b>	<b>2</b>

Source: MGCAS, 2019

299. In order to ensure the provision of quality services to children, the implementation of Minimum Standards for Child Care, in reference in the previous report, continued with participation by the various stakeholders, and under the coordination of the Ministry of Gender, Child and Social Action.
300. Capacity-building activities were carried out for officials from institutions, civil society organizations, Community Child Protection Councils and other stakeholders, on matters related to child protection.
301. Awareness and training activities on child care have been carried out in acknowledgement of the fact that the family and the community are fundamental to the protection of the child.

#### a) Parental Guidance (Article 20)

302. The Constitution of the Republic stipulates that the family is the nucleus of society, being responsible for the harmonious growth and education of the child, as well as the transmission of moral and social values.
303. Family Law holds other family members and the community accountable, in addition to parents, for the protection of the child. In this context, the Government implements programmes for the information and guidance of parents, so as to attend to the needs of the child within the framework of survival, protection and development.

## **b) Parental responsibility (Article 20(1))**

304. As mentioned in the initial Report, the Constitution of the Republic, in its Article 121 on Childhood, contains provisions on the responsibility of the family to protect children, with a view to their full development, as well as against any form of discrimination, mistreatment and abuse of authority.
305. The Law on the Promotion and Protection of the Rights of the Child sets out, in Article 32, the duties of parents, upon whom it is incumbent to support, guide and educate minor children, comply with and enforce judicial decisions, including the obligation to bear the costs relating to the safety, health, nutrition and development of the child.
306. Family Law makes parents responsible for the obligation to represent their children and to administer their property, within the scope of the powers and obligations imposed by parental authority, until they should reach the age of majority or emancipation.
307. However, if on the date on which the children reach the age of majority or are emancipated, and their education has not been completed, then the obligations imposed on parental responsibility remain, insofar as it is reasonable and for the length of time required for completion of their education" (Article 286).
308. For its part, Article 288 stipulates that 'parents may not give up parental authority or any of the rights and duties which it confers upon them, without prejudice to what is laid down in this Law concerning the foster family and adoption'.
309. Article 289, which deals with children born out of wedlock, ordains that '*the father or mother may not be relieved of his/her duties in relation to a child born out of wedlock*'.

## **c) Parents' Separation (Article 19(2) and (3) and Article 25)**

310. In respect of the principle of the best interests of the child, Mozambican society prioritises the maintenance and strengthening of marital unions, whether they are formal, traditional or de facto unions. In dealing with cases of divorce or separation, it is the philosophy of the courts, religious denominations and traditional authority, therefore, to procure reconciliation, particularly in cases where couples have minor children.
311. Despite preventive measures, the number of cases of separation and innovation continues to grow, mainly in large urban centres, due to marital conflicts of various kinds. The presence of children living on the streets and in the 92 shelters, especially in the provinces of Manica, Maputo and Maputo City, is mainly due to the separation of parents, who place their children in a vulnerable situation.

312. Family Law, Article 313, provides for the exercise of parental authority in the event of a divorce, separation or the annulment of a marriage, by agreement of the parents, subject to approval by the court or an imposition of the same, which shall be refused if the agreement does not correspond to the best interests of the minor, including the interest in remaining with a parent with whom there is no relationship of proximity, as well as the administration of a minor's property. In this respect, the close monitoring of the education and living conditions of the child is possible.

313. In cases where no agreement can be reached, the court shall decide on the fate of the child, on the maintenance due and how it will be provided, entrusting the child to the custody of one of the parents or, where the best interests of the child should so justify it, to a third party or the appropriate public or private institution. In such cases, the exercise of parental power is regulated by Article 314 of Family Law, where the powers and duties of parents will apply, required for the proper performance of their duties.

**d) Child care services and institutions (Article 20, paragraphs 2 and 26)**

314. In defence of the principle of respect for the best interests of the child, the Law on the Promotion and Protection of the Rights of the Child defines the principle of Non-Institutionalization. The same principle is established in the Social Action Policy and the Social Action Strategy on Children. These instruments give priority to family and community reintegration through measures that prevent abandonment and which provide socio-economic support for families and communities, based on specific Programmes and projects, such as income generation, vocational training, community development and others.

315. They also make provisions for a child who has been deprived of his or her family environment or who, in his or her best interests, can no longer be a part of his or her natural family, to receive alternative protection and special assistance from the State, under the conditions laid down by law.

316. In these cases, actions are carried out to locate and reunite the family and, when that is impossible, integration into substitute families is favoured, with institutionalization being the last resort. Information on family reunification can be found in the chapters pertaining to the family environment and alternative care.

317. Over the years, the number of children catered for at nursery schools and care centres has decreased from 35 590 to 34 267, during the period from 2015 to 2018. This reduction is attributed to actions to empower and raise awareness amongst families and communities for the care of the children in their home, and their integration into foster and adoptive families. In these institutions, children benefit from education, vocational training, food, health care etc.

318. As has been mentioned in this Report, priority is given to family reunification and integration into substitute families. In this context, the focus is on care in open centres that develop educational and recreational activities.

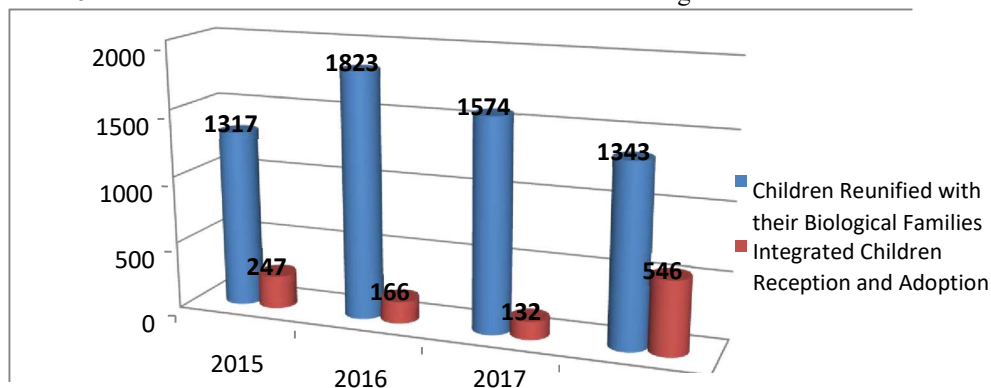
#### e) Family reunification (Articles 25(2)(b) and 18(3))

319. In Mozambique, the fundamental reasons why children are deprived of their family environment are due to the separation of their parents, orphanhood, mistreatment within the parental or family environment, abandonment and expulsion.

320. The Social Action Policy discourages the institutionalization of helpless children, favouring their care within extended families, with members of the same community and, lastly, in substitute families that can guarantee their character development and emotional security, the guarantee of affective ties and their cultural identity.

321. In the period from 2015 to 2018, a total of 6 603 children separated from their families, were reunited with those families, of whom 5 512 were reunited in biological families and 1 091 were integrated into foster families. Chart 6 shows the number of children reunited and integrated into foster families.

Chart 6: Children reunited with their families and children integrated into foster families.



Source: MGCAS, 2019

#### f) Maintenance (Article 18(3))

322. The responsibilities imposed on parents towards their children are enshrined directly in the constitutional text through Article 120(4), which refers to: "*Parents and mothers should provide assistance to children born in and out of wedlock.*"

323. The Law on the Promotion and Protection of the Rights of the Child defines in Article 31 that parental power may be exercised on equal terms by the father and the mother. Family Law establishes the general framework of parental responsibilities, in Article 285, by enshrining equality in the power of both parents over the guardianship and regency of unemancipated minor children, with the purpose of educating, defending and feeding them. The same law defines, in Article 282 (2) and 284 (2), the duty of parents to represent their children and to administer their property in the context of

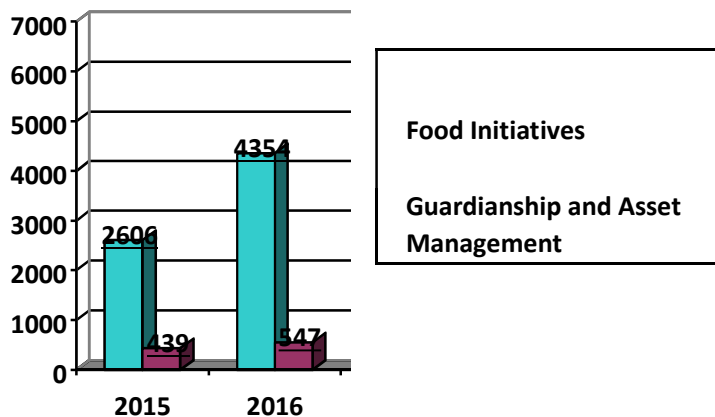
parental authority. Furthermore, the internal legal system prohibits parents from relinquishing parental responsibility or any of the rights especially conferred on them by it, without prejudice to the provisions on adoption and protection of minors.

324. When parents fail to fulfill their duties in relation to their minor children, the law allows for fines, imprisonment (Article 3 and 4 of the Law on the Organization of the Custody of Minors) and even the withdrawal of parental power.

325. The abovementioned parental responsibilities are extended, under current legislation, to guardians and adopters. In the case of guardians, the practice of certain legal acts requires the prior authorization of the juvenile court, under Article 348 of Family Law. Also with regard to responsibility for the administration of property, Article 349 provides for the system of administration of a child's property to be established only when the parents have been excluded, disqualified or suspended from the administration of the whole property, or where the authority competent to designate a guardian entrusts administration of the child's property, in whole or in part, to another person,.

326. From 2015 to 2018, the guardianship and administration of property of 7 471 minors was granted and food for 11 073 minors was secured. Graph 7 below indicates the number of shares of food, guardianship and administration of deferred goods per year.

Chart 7: Number of food initiatives secured per year



Source: Supreme Court, 2018

#### g) Adoption (Article 24)

327. Family Law has a provision whereby adoption must be ordered by a competent court.

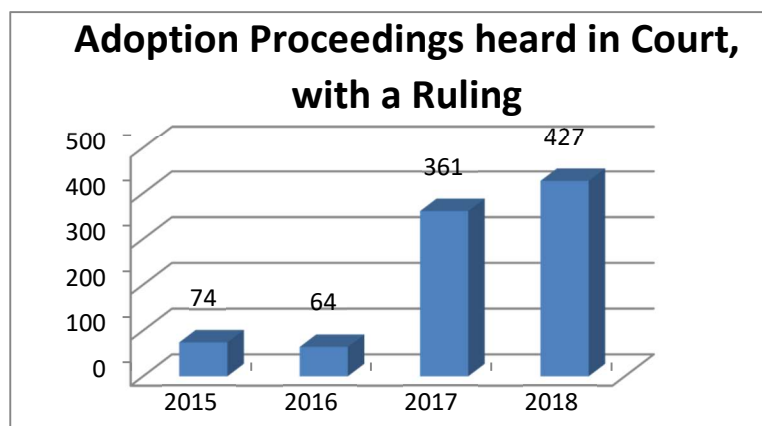
328. The effect of adoption is that the child assumes the identity of the adoptive family and that, from a legal standpoint, all ties with the biological family are severed.

329. Article 391 of Family Law contains a provision whereby an adoption can only be ordered where there are tangible benefits for the person adopted, it does not call into question the relationships and interests of the other children of the adopter and where it can be demonstrated that the adopter and family are able to integrate the adopted child into the family circle, and it shall be preceded, save in exceptional cases, by a period of adaptation of at least six months, during which time the adopted child gradually moves into the care of the adopter and begins the process of integration into the adoptive family. Article 392 of the same Law also provides for the involvement of Social Welfare Services during the adoption process, whose responsibility it shall be to carry out investigations and monitor the process of integration between the adopted child and the adopters.

330. The Law on Organisation of the Custody of Minors sets out procedures to be followed in the adoption process, in line with the provisions of Family Law and the Law on the Promotion and Protection of the Rights of the Child, as already mentioned in this Report.

331. In the period from 2015 to 2018, 1 353 adoption cases were processed in Court at the National level, 924 of which received a ruling, with the most number being in Maputo. There has been an increase in adoption cases, from 74, in 2015, to 427, in 2018. The number of adoption cases per year with a ruling can be seen in Graph 8.

Chart 8: Number of Adoption Proceedings heard in Court, with a Ruling



Source: Supreme Court, 2018

332. Within the framework of Family Law, Social Welfare Services monitor adopted and welcomed children and report annually to the competent court.

**h) Abuse and negligence, physical and psychological recovery and social reintegration  
(Articles 16 and 27)**

333. The Constitution enshrines the rights to full protection of children, with the prevention of negligent attitudes towards children, both in the family and in the public space, being carried out within the framework of the right to life, protection and survival, the right not to be subjected to abuse and mistreatment, within the context of parental responsibilities.

334. Article 64 of the Law on the Promotion and Protection of the Rights of the Child lays down the responsibility of the State to take legislative and administrative measures, including sanctions, in order to protect the child against any form of abuse, negligent treatment by parents, guardians, foster family, legal representatives or third parties.

335. The protection of children against abuse and neglect is the subject of attention to the Law on the revision of the Penal Code, in reference in this report. Thus, Article 211 provides for the imprisonment, without prejudice to a higher sentence calling for the private imprisonment, of those who compel by violence, or induce by fraud, a person under 21 years of age to leave the home of parents or guardians, or of those in whose charge the minor is, or who compel the minor to leave a place of residence under their charge. If the child is under the age of 17, the sentence shall be increased to the maximum term of imprisonment.

336. Article 213 stipulates that those who expose or leave any person under seven years of age anywhere other than in the public establishment designated for the reception of the minor so exposed, shall be sentenced to imprisonment and a corresponding fine. If the minor is exposed to a deserted place, the sentence will be major imprisonment of 2 to 8 years. In cases where the crime is committed by a relative in the ascending line, an adopter, a guardian or an educator, the penalty will be increased by a maximum fine and, if the exposure endangers the life of the minor or results in an injury to or the death of the minor, then the penalty will be 8 to 12 years imprisonment.

337. Article 215 stipulates that anyone who has responsibility for the rearing or education of a child under the age of seven, and who surrenders that child to a publicly-owned establishment, or to another person, without the consent of the person who entrusted the child to them, or of a competent authority, shall be sentenced to imprisonment for one month to one year and a corresponding fine shall be applicable. Article 216 stipulates that legitimate parents who have the means to support their children shall be fined one month to one year if they have fraudulently exposed their children in the public establishment designated for the reception of those so exposed.



338. Responsibility to protect children exposed to abandonment is also given to other citizens through the establishment, in Article 214 of the Law on the Revision of the Penal Code, of a prison sentence of one month to 2 years for those who find an exposed newborn or a child of less than 12 years abandoned, in a deserted place, and do not present it to the competent authorities.

## **VIII. SPECIAL PROTECTION MEASURES (ARTICLES 13, 15, 16, 17, 21, 22, 23, 25, 26, 27, 28, 30)**

### **a) Disabled children (Article 13)**

339. Article 37 of the Constitution of the Republic of Mozambique states that "citizens with disabilities shall have full enjoyment of the rights enshrined in the Constitution, and shall be subject to the same duties, with the exception of the exercise or performance of such duties for which, as a result of their disability, they are incapacitated". Similarly, Article 12(2) states that 'children, particularly orphans, the disabled and abandoned children, shall have the protection of the family, society and the State, against all forms of discrimination, ill-treatment and abuse of authority within the family and other institutions'.

340. The aim of the Policy on People Living with Disabilities, and its Implementation Strategy, is to remove barriers that prevent people with disabilities from full enjoyment of their rights. The country continues to implement the second National Plan for the area of disability 2012-2019, which includes activities to be implemented by institutions of the state, civil society and the private sector.

341. In the area of mental health, the Government has also established programmes and activities to prevent and treat mental disorders in children, and to this effect, there is a mental development sector included in pediatric services. Furthermore, the school health programme advocates early diagnosis of diseases such as epilepsy and mental retardation, in order to provide their treatment. However, these services and programmes are still limited, with the prospect of extending school health programmes and care to children with developmental delays.

342. The Government has adopted inclusive education as a strategy through which to integrate these children into regular schools. This strategy has resulted in the integration of 78 610 children with special educational needs, into the education system, covering 9 types, at all levels of education.

343. There are four special schools in the country for people with intellectual disabilities and hearing impairments, in the cities of Maputo, Beira and Quelimane, one institute for the visually impaired, also in the city of Beira, and three regional education centres for children with disabilities, in the northern, central and southern regions of the country, specifically in the provinces of Nampula, Tete and Gaza, catering for about 1 016 students, annually, of which 472 are girls. In addition, in Maputo, there is a school for children with hearing impairments, belonging to the Association for the Disabled of

Mozambique, a school for children with intellectual disabilities, belonging to CERCI, and another private school for children with different types of disabilities.

344. With the aim of ensuring adequate care for children with special educational needs at schools, the Ministry of Education and Human Development carried out the training of 3 455 teachers in teaching strategies and methodologies for children with special educational needs, sign language and the Braille System. 62 trainers from the Institute of Teacher Training in Sign Language and the Braille Spelling System are in the process of receiving ongoing training.
345. In order to provide educational material adjusted to the needs of visually impaired children, ten thousand books (twenty thousand volumes) of Portuguese and ten thousand books (twenty thousand volumes) of Mathematics for Grade 1 were acquired and distributed, with other books of Portuguese and Mathematics being in the process of transcription for Grade 2. 666 brochure kits were purchased for Inclusive Education as well as other specific and compensatory materials.
346. However, despite efforts made towards an inclusive education, challenges remain regarding teacher training, and the acquisition of suitable learning materials, for children with special educational needs arising from disability.
347. Also, so as to ensure care for the needs of children with disabilities, experts from the areas of social action, health and others were trained in in sign language and other matters relating to disability.
348. Similarly, there are recreational centres in operation for the visually impaired, but these have proven to be insufficient to meet the needs of communities.
349. In a combined effort between the Government and associations of people living with disabilities, 1 sports federation, 1 Paralympic Committee and 30 sporting venues were created, 135 teachers graduated in inclusive sports, 29 experts received qualification in sports-related matters for people with disabilities, and there was the acquisition of suitable sports materials for people living with disabilities, as well as the purchase of 80 inclusive sports *kits* for pupils from inclusive education centres and regular schools.
350. Actions for the promotion of participation of People Living with Disabilities, in sports activities, resulted in 206 disabled young people participating in athletics, being 103 auditory impaired (18 female and 85 male), 91 visually impaired (46 female and 45 male) and 11 physically disabled (4 female and 7 male) and 1 male athlete with mental disabilities, 58 disabled young people from amongst whom 33 male and 25 female, are practitioners of the sport of Boccia.
351. In order to ensure accessibility for people with disabilities, the Government signed Decree No. 53/2008, of the 30<sup>th</sup> of December, 2008, which approved the Regulation on the Construction and Maintenance of Technical Devices for Accessibility, Circulation, and the Use of Public Service Systems for Persons Living with Disabilities or Restricted Mobility, Technical Specifications and Use of the International Symbol.

352. In fact, efforts have been made to create conditions of access by highlighting the construction of specially adapted ramps and toilets. As a result, new civil constructions include access ramps in their projects and, in the case of some old buildings, ramps have been adapted. For example, 3 000 schools already have ramps and 30 sports grounds have been adapted. However, challenges remain in relation to the adaptation of buildings as well as the supervision and monitoring of construction works and rehabilitation.

**b) Economic Exploitation Including Child Labour (Article 15)**

353. The CRM expressly enshrines this prohibition in Article 121(4), which reads as follows: "*children of compulsory schooling-going, or any other, age are forbidden to work.*"

354. Mozambique is one of the ILO member states that have ratified all eight core ILO Conventions, including ILO Conventions 138 and 182 on Minimum Age for Admission to Employment and the Worst Forms of Child Labour, respectively.

355. The Government approved the Employment Policy in 2016, which includes a component on child labour in Pillar 4 on non-discrimination and decent work.

356. Act No. 23/2007, of the 1<sup>st</sup> of August, 2007, the Labour Law, sets the minimum age for admission to employment at 18 years. However, the law makes exceptions by providing in Articles 23 to 27 that children between the ages of 15 and 18 may work on condition that the employer provides for their education and vocational training and that working conditions are not detrimental to their physical and moral development.

357. These children must undergo medical examinations before they begin work, the maximum hourly load per week is 38 hours, the daily hourly load is 7 hours, and their remuneration must be fixed according to the quantity and quality of the work, at a rate not lower than the minimum wage in force in the company.

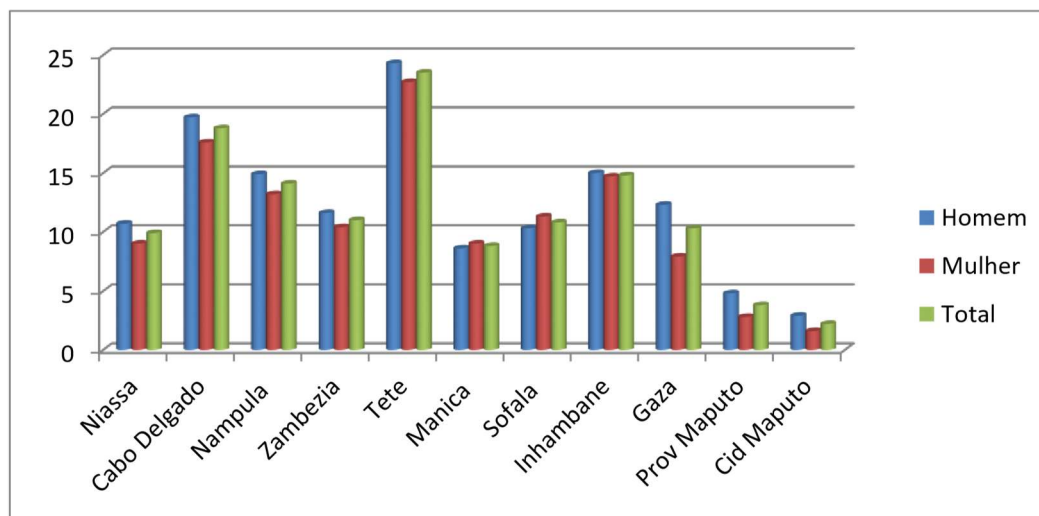
358. In the case of minors between the ages of 12 and 15, they may work under special conditions if jointly authorized by the Ministries of Labour, Health and Education.

359. Notwithstanding such a ban, there have been reports and cases of exploitation of child labour in the informal sector and commercial agriculture, but wherever this occurs authorities take appropriate action against offenders.

360. With regard to child labour (employment of children between 5 and 17 years of age), HBS data indicated an employment rate of 12.6% in the fourth quarter of 2016. An analysis of data per gender indicates that child labour is more prevalent amongst boys (13.3%) than girls (11.9%) (NSI, 2015).

361. A breakdown of the provincial child employment rate in Chart 9 shows that the provinces of Tete and Cabo Delgado have the highest rates of child labour, with 23.5% and 18.8%, respectively. The lowest rates are in Maputo City (2.2%) and Maputo Province (3.8%).

Chart 9 - Child employment rate per Province



Source: HBS, 2014/15

Key: Homem – Men  
Mulher – Women

362. The report of the Study on Child Labour and Its Impact on Mozambique (2014-2016), prepared by the Ministry of Labour in partnership with Eduardo Mondlane University, indicates that trade, family farming, fishing, hunting, mining and domestic work are the areas with the highest incidence of child labour exploitation. The Study also indicates that economic, socio-cultural, institutional and natural actors contribute to the phenomenon.

363. To reverse this situation, activities have been carried out in order to disseminate the instruments that protect children from child labour, and in order to raise awareness amongst families, communities and businesses. At the same time, the social protection programmes mentioned in the previous chapters of this Report, benefit vulnerable households by preventing children from becoming involved in child labour and by recovering those children who are already involved in such.

364. Mozambique became a member of the International Programme for the Combat of Child Labour (IPEC), and within this framework, a nationwide Red Card to the Worst Forms of Child Labour Campaign was undertaken with the intention of informing and sensitising society with regard to this ill.

365. In order to accelerate the actions undertaken within the framework of the Prevention and Combat of Child Labour, the Government has approved the National Action Plan for Combating Child Labour, including domestic work and the List of work dangerous to children referred to in the chapter on General Implementation Measures.

**c) Refugee children (Article 23)**

366. Mozambique is a country which receives undocumented immigrants and refugees, including children, from other parts of the Continent.

367. The protection of the rights of the foreign child to a name and a nationality is clearly formulated in the ConstitutionAL text. Mozambique has also acceded to the 1951 Convention Concerning the Status of Refugees, the AU Convention Concerning Specific Aspects of Refugees in Africa, and the Additional Protocol to the Geneva Convention Concerning the Status of Refugees.

368. In order to implement these Treaties, as well as constitutional Mandates concerning refugees, the National Assembly adopted Law 21/91, in 1991, which enshrines the appropriate procedural mechanisms to guide the process of granting Refugee Status.

369. The Government set up the National Institute for Refugee Support (INAR), by Decree No 51/2003, of the 24<sup>th</sup> of December, 2003, which is subordinate to the Ministry of Foreign Affairs and Cooperation, in order to ensure the rights of refugees, including access of the refugee child to basic social services, protection, leisure and recreation.

370. There are urban refugees in the country who are self-sufficient and only receive legal assistance from INAR, and there are refugees living in the Marratane Refugee Centre in the Province of Nampula, where they receive material and legal assistance from INAR, UNHCR and some NGOs.

371. The Marratane Refugee Centre has a transit centre that serves to accommodate newly-arrived asylum seekers, and which has bathrooms with locks, separated according to the male and female sex. After undergoing screening, a kit of building materials is delivered in order to permit their integration into the community. In the community itself, each family has private bathrooms.

372. The country shelters 27 210 asylum seekers from several African countries, 9 921 of which live in the centre of Marratane.

373. Of the total number of refugees throughout the country, 8 685 are children aged 0-17, of which 4 273 are female and 4 412 male.

374. In Marratane there are 4 823 children, of which 2 331 are female and 2 492 are male. The table below shows the number of refugee children in the country and their provenance. Table 4 shows the number of refugee children per country and age group.

**Table 4:** No. of refugee children in Mozambique per Country

Country of Origin	Girls		Boys		TOTAL
	0-4 Years	5-17 Years	0-4 Years	5-17 Years	0-17 Years
Burundi	421	931	434	1000	2786
Republic of Congo	1	6	1	4	12
Côte d'Ivoire	1	0	1	0	2
Democratic Republic of Congo	680	1529	690	1603	4502
Ethiopia		1	1	0	2
Guinea		1	1	0	2
Rwanda	126	340		0	466
Somalia	121	107	143	299	670
Sudan	3	2	110	117	232
Uganda	2	1	2	5	10
Angola				1	1
<b>Total by Age</b>	<b>1 355</b>	<b>2 918</b>	<b>1 383</b>	<b>3 029</b>	<b>8 685</b>

Source: INAR, 2018

375. In the Maratane Centre, there are 286 unaccompanied children, 189 girls and 97 boys, who have been integrated into substitute families from the same region, and assisted by INAR.
376. There is a kindergarten, at the Maratane Centre, which serves 150 preschool children (from 3 to 5 years old), of which 64 are boys and 86 are girls. This activity is supervised by the Social Services.
377. In the sphere of education, there is a Complete Primary School run by the National Education System, attended by 2 496 children from the centre and surrounding communities, of which 1 396 children are refugees (696 boys, 700 girls) and 1 100 are nationals. This school also provides curricula of their countries of origin to refugees. Another 32 children (20 girls and 12 boys) attend other schools in the community.
378. The Refugee Centre has a Health Care Centre, which serves the residents of the Centre and the surrounding populations. In the event of serious health emergencies, patients are transferred to the Provincial Hospital.
379. In order to ensure protection and the maintenance of public law and order both for refugees and Mozambican populations living within the vicinity of the centre, there is a Police Station as well as a militia corps made up of refugees themselves, working in coordination with the Police of the Republic of Mozambique.

380. In the area of sport and recreation, children and young people hold sporting and cultural tournaments during their free time and on public holidays, with the participation of children from the surrounding communities.

381. During the period under analysis, 8 cases of violence against children were registered, the perpetrators of which were 2 males and 4 females. Of the cases registered, 2 were of physical violence, 3 of sexual violence, 2 were early marriages and 1 was an attempted abduction. These cases were attended to by the competent entities and are following due process.

382. 252 outreach talks on children's rights, including the protection of children from violence, were held with the participation of 9 536 people, including 4 352 men and 5 184 women.

#### **d) Children involved in armed conflict**

383. As was stated earlier on in this Report, under Act No. 32/2009, of the 25<sup>th</sup> of November, 2009, on Military Service, the military census takes place at the age of eighteen, with intake occurring during the year in which the citizen reaches the age of twenty. Therefore, involvement in military activities by minors under the age of 18 is expressly prohibited.

#### **e) Children of prison inmate mothers**

384. With regard to the situation of women and girls in prison, including measures applicable to their children, it should be noted that, in Mozambique, women are interned in a separate facility from men. By the nature of the female gender itself, these establishments implement a system according to the state of the woman in question, who has the right to receive special treatment if she is pregnant or has a child.

385. In general, the law permits children to remain with their mother until the age of three.

386. In terms of the laws in place, policies and practices preceding the sentence in relation to pregnant women, women with newborn children and only-children of female prisoners, it bears mentioning that the law allows pregnant women or women with newborn children to benefit from all the care and treatment afforded to free women, seeing that the only right which is taken away, besides those [rights] covered by law, is the deprivation of liberty.

#### **f) Sexual Exploitation and Sexual Abuse (Article 27)**

387. Article 218 of the Criminal Code Revision Act has tightened penalties for the various forms of sexual abuse, providing for a maximum sentence of 2 to 8 years

imprisonment for those who commit a crime of rape, with an aggravation of the sentence in cases where the victim is under 12 years of age, which is punishable by 20 to 24 years' imprisonment.

388. Article 220 of the same law provides that any act of a sexual nature involving persons under the age of 16, not involving copulation, shall be punishable by a sentence of between two and eight years' imprisonment.

389. Under Article 222, aggravation of the penalties in reference in the above paragraphs, occur where the offender is a relative in the ascendant line, an adopter or a brother, a tutor, curator or someone who exercises any kind of authority over the victim (in charge of education, minister of worship, etc.) or where the agent is a domestic servant or a family member, or who, because of the profession occupied, has influence over the victim, or if the violation is committed by personnel from the armed forces, paramilitaries, police or a private security company.

390. In this area, it should be mentioned that awareness-raising actions, in order to prevent sexual abuse and exploitation of children, are carried out at community and media level.

391. On the other hand, medical assistance, legal, psychological and social support services, referred to in the previous chapters of this Report, also serve child victims of sexual abuse and exploitation as well as their families, within the framework of integrated care for victims of violence.

392. In addition, the systematic training of police, health, education and social action personnel was undertaken for the prevention of sexual exploitation, abuse and violence against children, and support for the victims, as already mentioned in the previous chapters of this Report.

#### **g) Drug Abuse (Article 28)**

393. The Republic of Mozambique has adopted legislative, administrative, social and educational measures to prevent and combat the illicit consumption of narcotic drugs and psychotropic substances, as defined in relevant international treaties, and to prevent the use of children in the production and illicit trafficking of such substances.

394. Thus, Act No. 3/97, of the 13<sup>th</sup> of March, 1997, on the Prevention and Combatting of Drugs, lays down the legal regime applicable to the trafficking in and consumption of narcotic drugs, psychotropic substances, precursors and preparations or other substances having a similar effect. Decree No. 41/97, of the 18<sup>th</sup> of November, approves the Organic Statute of the Central Office for the Prevention and Combatting of Drugs.

395. Act No. 6/99, of the 2<sup>nd</sup> of February, 1999, regulates the access of minors to public places of nighttime entertainment and the consumption of alcohol and tobacco. The



Government has drawn up and adopted, in this area too, a Regulation on the sale and consumption of alcohol, with a view to strengthening controls on the sale and harmful consumption of alcohol, and to protect the health of citizens, especially children. The Regulation in reference lays down the obligation to observe nighttime marketing in public places, and to label containers with messages which indicate the harmful effects of alcohol.

396. There have been several activities undertaken at the level of schools, the community and in the media, in order to prevent the consumption of drugs, alcohol and tobacco. However, cases are still being registered of children consuming alcohol, tobacco and drugs.
397. Treatment for children who are affected is provided in mental health sections of the hospitals which, in addition to detoxification, provide psychological assistance. Once they have detoxified, children can benefit from assistance and supervision from social services and civil society organisations.
398. Despite the efforts of the Government and civil society in dealing with drug-related issues, from production, sale, trafficking and the treatment of victims of drug use, cases of young people taking drugs prevail and international drug trafficking networks continue in activity.
399. Controlling children's access to alcoholic drinks is also a challenge due to their ready availability in the informal market.

#### **h) The Sale, Trafficking and Abduction of Persons (Article 29)**

400. Mozambique ratified the UN Optional Protocol to the Convention on the Rights of the Child concerning the Sale of Children, Child Prostitution and Child Pornography.
401. At national legislation level, Laws on the Prevention and Combatting of the Trafficking of People, Especially Women and Children, the Revision of the Penal Code already mentioned in this Report, and the Law on the Protection of Witnesses, Whistleblowers and Declarants, all deal clearly with the sale, trafficking, abduction and kidnapping of people.
402. Thus, the Law on the Revision of the Penal Code lays down, in Article 198, that whomsoever should recruit, transport, harbour, supply or receive any person, on the pretext of work, training or learning, for purposes of prostitution, forced labour, involuntary service or indenture, shall incur a maximum prison sentence of sixteen to twenty years.
403. The same Law lays down, in Article 199, a maximum prison sentence of twenty to twenty four years, for whomsoever shall, by means of violence, threats or any other kind, abduct another person with the aim of submitting the latter to extortion, rape,

ransom, bounty, forcing a public entity or a third party to an action or omission, or in support of an activity having aggravating circumstances, amongst other situations, if the abduction was preceded or accompanied by a serious offence to the physical integrity of the victim, torture or other treatment of a cruel, degrading or inhuman nature, when practised against a person who is defenceless by virtue of age, and when accompanied by a crime against the person's sexual freedom.

404. Furthermore, in Article 161, the Law lays down a maximum prison sentence of twelve to sixteen years for whomsoever should keep, possess or transport human body parts or organs, whether internal or external, blood, blood products or human body tissue, in violation of the law. Whomsoever shall instigate with promises of success in sentimental or business matters, or in any other way induce an agent to the practice of the acts in reference in this paragraph, shall incur a prison sentence of sixteen to twenty years.

405. With the intention of reinforcing actions for preventing and combatting, as well as for the assistance of victims, the Government approved the Multisectoral Plan for the Protection of Persons with Albinism, and initiated the drafting of a Plan for the Prevention and Combatting of the Trafficking of People.

406. There were several actions carried out in the areas of prevention and combatting, as well as in rendering assistance to victims, highlighting capacity-building of police, migration personnel, judges, prosecutors, social action experts, civil society organisations, community, traditional and religious leaders, as well as activities to raise awareness concerning the law, and outreach initiatives by the different actors for the prevention of trafficking, via programmes at media level, including on community radio, talks, debates and marches. Information concerning awareness-raising activities may be found in the chapter on general implementation measures.

407. The Government has a partnership agreement with the South African province of Mpumalanga. Amongst other matters, the agreement deals with the protection of vulnerable groups, especially children. A cross-border coordination group was set up, involving experts from the prosecutor's office, police and social action groups from Mozambique and South Africa, working together to prevent the illegal migration of children from the national territory, as well as their repatriation and reintegration.

408. Identified cases of trafficking, including of people with albinism, have been dealt with in the courts in accordance with the legislation in force. In fact, from 2015 to 2018, 72 cases were processed at the level of instances of the justice administration, of which 66 led to the indictment of suspects and 44 were tried. These cases involved 77 victims, including 53 minors, and 161 traffickers.

409. Within the same period, 22 cases of trafficking in persons with albinism were heard, 15 of which in 2015, 7 in 2016 and, in 2017/18 there were no cases registered.

410. The reduction in trafficking, including of albino people, is a result of preventive measures taken by various State and civil society actors to prevent this phenomenon.
411. At the Maguaza Centre, under the administration of the District Health, Women and Social Action Services, located in the District of Moamba, Maputo Province, 148 children were attended, 82 of whom male and 66 female, who were victims of trafficking, in an illegal migration situation, and repatriated. At this centre, the children received assistance in terms of food, clothes, health, education and psychosocial support. In addition, 128 children were reunited with their families. These children receive supervision from the Social Action Services and assistance within their families, according to the need.
412. Furthermore, in Ressano Garcia, there is a Centre belonging to the Congregation of the Scalabrinian Sisters, rendering multiple forms of assistance to 347 repatriated persons, including children, who were in a situation of illegal migration.
413. The challenges faced in this area have to do with the need to build the capacity of various stakeholders, raise awareness amongst families, communities and the children themselves, for the prevention and combatting of trafficking, and to render assistance to the victims. Emphasis is also placed on the fact that the capacity of the institutions involved remains a challenge in combatting this phenomenon, and in rendering assistance and reintegrating the victims.

**i) Children living or working on the streets (Article 26)**

414. Due to vulnerability created by orphanhood, violence, negligence and instability within families, children are led to abandon their homes and live in the street. The street-child phenomenon is mainly urban, since it's seen almost exclusively in the cities, it being estimated that, in the City of Maputo, there are about 300 children and youth living on the streets.
415. Activities in this area are based on awareness-raising campaigns on public routes, the dissemination of information via media, and direct work with children and their families with a view to family reintegration.
416. Greater focus is given to prevention through integration of vulnerable families into social protection programmes, the provision of services and the introduction of training and provision of information on parental and family skills. Internment in centres is a last resort, on a temporary basis, and for the shortest time possible, while psychosocial identification and rehabilitation is carried out for family and community reintegration.

**IX. CHILD VICTIMS OF HARMFUL PRACTICES TO THEIR DIGNITY AND DEVELOPMENT (Articles 1(3) and 21)**

## **a) Early Marriages**

417. Despite progress made in protecting children, Mozambique continues to record high rates of early marriages, as per the 2011 Demographic and Health Survey (DHS), which recorded 14% of women between 20 and 24 years of age married before the age of 15, and 48% before the age of 18.
418. In order to reverse this situation, the Government approved the National Strategy for the Prevention and Combat of Early marriages, for the period 2016-2019, already mentioned in the Chapter on General Measures for the Implementation of this Report. The Strategy sets out priority actions to be implemented by the institutions of the State, civil society, the private sector, Non-Governmental Organisations and other actors, with the aim of progressively eliminating early marriages, in the areas of (1) Communication and social mobilisation; (2) Access to quality education and school retention; (3) Empowerment of the female child; (4) Sexual and reproductive health; (5) Mitigation/response and recovery; (6) Reform of the legal policy framework.
419. With the implementation of this Strategy began a sounding out process, with the aim of revising Family Law and drawing up a specific law (more information can be seen in the chapter referring to the definition of the child).
420. The Campaign for the Prevention and Combatting of Early marriages, launched in 2014, has been stepped up in support of the African Union campaign to raise awareness amongst families, communities and children, concerning the consequences of early marriages and the need to protect children. It is worth noting the participation, in this process, of the wife of the President of the Republic of Mozambique, and the involvement of civil society organizations, non-governmental organisations, international, religious, traditional, community and child leaders, at the various levels.
421. Within this context, emphasis is also placed on the holding of debates and the dissemination of information in the media, including community radio, the holding of 3 867 awareness-raising sessions at school and community level, the training of 2 630 girl mentors contributing to awareness-raising concerning the girl-child, and the creation of spaces free from early marriages.
422. Actions have also resulted in the expansion of girls' access to and retention in school, access to sexual and reproductive health care, recovery and rehabilitation of children involved in early marriages, as has already been mentioned in previous chapters in this Report.

## **b) Children belonging to minority or indigenous groups (Article 26)**

423. As was mentioned before, the Constitution of the Republic enshrines the equal rights of citizens, regardless of colour, race, ethnic origin, place of birth, religion and social position, thus eliminating discrimination against the child, for any reason, from the start.

424. Despite the great cultural and religious diversity in Mozambique, which is characterized by the existence of many ethnic and linguistic groups, there are no special forms of discrimination against any social group in the country. As we have mentioned in the relevant chapters throughout this Report, citizens are guaranteed the right to cultural life, to profess their own religion, and to use their own language. The implementation of bilingual teaching in the education system deserves a special mention.

425. Information on children with albinism can be seen in the chapter on trafficking in persons.

### **c) Other Harmful Practices to the Child**

426. During the process of drafting this Report, the prevalence of child involvement in begging in urban environments was observed. In fact, the Government has carried out actions, at various levels, to prevent and combat this phenomenon by extending basic social security programmes to families and children living in vulnerability, as has already been mentioned in the previous chapters, as well as carrying out awareness-raising activities amongst families, communities, commercial establishments and other stakeholders, and through the adoption of municipal ordinances with measures which permit interventions with regard to this phenomenon.

## **X. JUVENILE JUSTICE (Article 17)**

427. In Mozambique, the Penal Code establishes the minimum age for criminal responsibility at 16 years.

428. The Law on the Custody of Minors lays out parameters for the assistance of minors in the field of criminal prevention, through the application of protection, assistance or education measures, which are alternatives to deprivation of liberty.

429. There are still no institutions in the country dedicated to the care of children in conflict with the law. As a result, the action of the judicial authorities in the referral of non-labile children in conflict with the law remains admonition and reprimand, the responsibility of parents and children being restituted their freedom and handed over to their families.

430. In order to prevent and recover children in conflict with the law, the Government, with the assistance of UNICRI and UNICEF, has initiated the implementation of a multisectoral program aimed at the prevention of child delinquency and the development of programmes for the recovery of child offenders, through Community programmes and the creation of dedicated institutions for this purpose.

431. In this area, judges, prosecutors and social action experts were trained to attend to children in conflict with the Law.

432. At the level of the Juvenile Court and specialised provincial and district courts, 1 727 cases concerning criminal prevention were processed, of which 1 305 were given a sentence or ruling.

433. In light of this, the Boane Youth Recovery Center has been created and is in operation in the province of Maputo, serving imputable minors and ensuring that they have access to basic social services and occupational activities (health, education and vocational training).

434. Also in this area, awareness-raising has been carried out amongst children, families and communities, in order to prevent the phenomenon and to identify children at risk by supporting them so that they do not come into conflict with the Law. To realize this objective, service desks have been set up in some of the neighbourhoods in Maputo City, where at-risk minors can receive counselling and perform fun activities.

#### **The Administration of Juvenile Justice and Children Deprived of Liberty, Including Any Form of Detention, Imprisonment or Custody**

435. As mentioned in the previous paragraphs, Mozambican legislation has made progress in its alignment with international standards and the ACRWC.

436. Children under the ages of 16 and 18 have reduced criminal liability, i.e. they can only be given sentences of up to 8 years imprisonment. According to the Law on the Organisation of the Custody of Minors, only protection measures may be applied to children of up to the age of 16, including admonition, being handed over to their parents, a guardian or person entrusted to look after them, placement in a suitable family or educational establishment, and medical/psychological care.

#### **XI. THE DUTIES OF THE CHILD (Article 31)**

437. The duties of the child are enshrined in Article 8 of the Law on the Promotion and Protection of the Rights of the Child, which, in line with the provisions of the African Charter, defines, in Article 8, the duties of the child to respect parents, relatives and others, to participate in the life of the family, community, preservation of the environment, cultural values, peace, tolerance, dialogue and solidarity.

438. Children's duties are publicised, and children are encouraged to develop solidarity actions with the aim of being training in the fulfillment of their duties, in addition to actions taken to disseminate the rights of the child through lectures, debates and media programmes.

439. In this respect, the Children's Parliament, school councils, girl clubs and Community Councils for the Protection of the Child, already mentioned in the chapter on general

principles, are privileged places for the training of children in the fulfillment of their duties.

---