



# Convention on the Rights of the Child

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Committee on the Rights of the Child

## Combined third and fourth periodic reports submitted by Mozambique under article 44 of the Convention, due in 2016\*

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## Prologue

In 1994, the Government of the Republic of Mozambique ratified the United Nations Convention on the Rights of the Child (CRC) and reaffirmed its commitment to implement gradually children's rights through the adoption of policies, legislation and programmes.

This Report submitted to the United Nations Committee for the Rights of the Child, in the terms of Article 44, paragraph 1, of the Convention.

The 2nd Report was distributed nationally and publicised through meetings with representatives of state institutions, civil society organisations, UNICEF and NGOs. It was also publicised through the mass media.

The current, includes the 3rd and 4th Reports, covers the period from 2009 to 2016. It took into consideration the concluding observations of the Committee, following presentation of the 2nd Report.

The report includes the progress and challenges in implementing the Convention and was written by a multi-sector team headed by the Ministry of Gender, Children and Social Welfare. Information was collected and consultations were held with State institutions, United Nations agencies, NGOs, civil society and children.

## **I. Introduction**

### **A. Geographical location**

1. The Republic of Mozambique is located on the south-eastern coast of Africa. It covers a total area of 799,380 square kilometres, and is divided into 11 provinces.

### **B. Demographic composition**

2. In 2016, the Mozambican population was estimated at 27,128,530 inhabitants, of whom about 15,021,474 are children.<sup>1</sup>

### **C. Culture and religion**

3. The country's official language is Portuguese, and there are a variety of Mozambican languages.

4. A considerable part of the Mozambican population, in addition to African religions, practices Christianity and Islam.

5. The Constitution of the Republic enshrines, in article 12, the principle of the lay nature of the state.

### **D. Political, economic and social**

6. The country held its fifth democratic and peaceful parliamentary and presidential elections in 2014. The Government prioritises political dialogue, reaffirming its commitment to stability and reconciliation.

7. In recent years, Mozambique has recorded high economic growth rates, with an average GDP growth of up to 7% until 2015, but slowing down to 4.5% in 2016 (INE, Statistical Yearbook, 2016). These growth rates resulted in advances in the human and social development indicators.

8. In this environment, the Government's Five Year Programmes have produced positive results in the socio-economic growth of the country.

9. Poverty reduction is one of the Government's priority goals. In 2015, the Government approved the National Development Agenda (2015-2035). The main pillars of the strategy are: (a) Development of Human Capital; (b) Development of Infrastructures to Support Production; (c) Research, Innovation and Technological Development; (d) Institutional Coordination.

10. The efforts made resulted in a reduction in the total incidence of poverty from 51.7% in 2008/9 to 46.1% in 2014/15.

11. The data from IOF 2014/15 point to an employment rate of around 67.5%.

12. Despite these efforts, the levels of chronic malnutrition remain high (42.6% in 2011).<sup>2</sup>

13. The nutrition indicators show that the percentage of children of low weight fell from 24% to 15% between 2003 and 2011.

14. The child mortality rate (in children under five years of age) fell from 122 deaths in every 1,000 live births to 97 per 1,000 in 2011. The infant mortality rate fell from 101

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<sup>1</sup> INE, Annual Projections of the Population, 2010.

<sup>2</sup> IDS 2011.

deaths per 1,000 births in 2003 to 64 deaths per 1,000 in 2011 and the neonatal mortality rate fell from 37 to 30 deaths per 1,000 live births between 2003 and 2011.<sup>3</sup>

15. Maternal mortality is also a matter of concern since, in every 100,000 live births, 408 women die during pregnancy or childbirth (IDS, 2011).

16. The rate of access to drinking water recorded progress between 2008/9 and 2014/15. The proportion of households using water from safe sources rose from 40.5% to 50.9% (IOF 2014/5).

17. Sanitation recorded progress characterised by an increase in the proportion of households with safe sanitation from 16% in 2008/9 to 26.9% in 2014/15.

18. The illiteracy rate fell from 49.9% in 2008/9 to 44.9% in 2014/15 (IOF 2008/9 and 2014/15).

19. The proportion of the population with access to school increased from 59.6 % in 2008 to 67.6% in 2014/15 (IOF, 2008/9 and 2014/15).

20. The prevalence of HIV/AIDS among people 15 to 49 years of age is about 11.5%.

21. In 2009, out of the 1.8 million orphans, 510,000 had been orphaned because of HIV and AIDS (UN, 2011). The average prevalence of HIV and AIDS among children of both sexes between 1 and 4 years old rose from 1.7% (INSIDA, 2009) to 2% in 2012.<sup>4</sup>

22. According to IMASIDA, 2015, the prevalence of malaria among children aged between 6 and 59 months increased from 35% to 40% from 2011 to 2015.

23. Mozambique is prone to natural disasters, such as droughts, cyclones and floods with a negative social and economic impact.

24. Mozambique has recorded progress in implementing the SDGs, characterised by improvements in the indicators in health, education, water and sanitation. However, there remain challenges in improving access to good quality basic social services, and to expanding social protection programmes.

## **II. General implementation measures (articles 4, 42 and 44, paragraph 6)**

### **A. Constitutional Provisions on the Rights of the Child**

25. The CRC was ratified through Council of Minister's Resolution 19/90,

26. The Mozambican Constitution enshrines the principle of parity between the Convention and the country's legislation as established in Article 18.

27. Throughout its text, the Constitution sets forth fundamental individual and collective rights of citizens, including the protection of the rights of children established by the Convention, in articles 47, 120 and 121.

28. These provisions show the importance given to child protection and the determination of the country to comply with the provisions of the Convention and other international and regional legal ratified instruments.

29. In the period covered by the present report, the country ratified the Convention on the Rights of Persons with Disabilities and drew up a draft law on the Promotion and Protection of the Rights of Persons with Disabilities.

<sup>3</sup> IDS 2003 and 2011.

<sup>4</sup> INE (2011) Epidemiological Surveillance of HIV and its Demographic Impact in Mozambique: Updating. Round 2009.

## B. Policy Measures

30. As mentioned in the previous reports, the Council of Ministers has approved several policies and strategies on promoting and protecting the rights of the child. Through Resolution no. 12/98 of 9 April, it approved the Social Welfare Policy, with the goal of “promoting the integration of the social groups on the margins of the normal development process, so as to contribute to full equality of opportunity between citizens, as well as to social stability”.

31. In Mozambique, many challenges are posed to the Government, to Civil Society and to Non-Governmental Organisations to ensure and guarantee that children have the right to survival, development, protection and participation.

32. Seeking to extend the coverage of basic social protection in order to ensure inclusion of the poorest and most vulnerable strata of the population in the development process, the Government drew up and implemented the National Basic Social Security Strategy, 2010–2014.

33. In 2016, the new National Basic Social Security Strategy 2016-2024 was approved. The strategy builds up a system of Basic Social Security, harmonising the efforts of governmental and non-governmental stakeholders in implementing actions in support of poor and vulnerable individuals or groups of individuals, thus contributing to human and social development.

34. From 2006 to 2010 the country implemented the first National Plan of Action for Children (PNAC) simultaneously the Plan for Orphaned and Vulnerable Children (PACOV).

35. The assessment of those instruments concluded that there was progress in promoting and protecting children’s rights, and indicated that challenges still remained, therefore a need for more action.

36. As such, in 2012 the government drew up the second National Action Plan for Children, 2013–2019 (PNAC II), with the participation of the various stakeholders in implementing the rights of the child.

37. PNAC II is based on the Constitution of the Republic of Mozambique, as well as in the CRC, and in other national and international instruments and the recommendations of the UN Committee on the Rights of the Child, the SDGs.

38. PNAC II reiterates the commitment of the Government to the rights and welfare of children, and establishes targets and actions of the stakeholders in the framework of promoting and protecting children’s rights.

39. PNAC II is a multi-sectorial plan, which is implemented through its integration into the country’s Social and Economic Development Plans and their respective financing instruments at the level of the State institutions and the plans of civil society organisations.

40. There also stands out the approval of the Youth Policy, through Resolution no. 16/2013 of the Assembly of the Republic, which includes measures to promote the rights of teenagers and younger people.

### Policy Priorities Laid Down by the Government

41. The central goal of the Government’s Five Year Programme (PQG), is to improve the living conditions of the Mozambican people, particularly of children, by increasing employment, productivity and competitiveness, creating wealth and generating balanced and inclusive development, in an environment of peace, security, harmony, solidarity, justice and cohesion among Mozambicans.

42. To pursue this goal, the Government has defined 5 Priorities, namely:

- (a) Consolidate National Unity, Peace and Sovereignty;
- (b) Develop Human and Social Capital;

- (c) Promote Employment, Productivity and Competitiveness;
- (d) Develop Economic and Social Infrastructures; and
- (e) Ensure Sustainable and Transparent Management of Natural Resources and of the Environment.

43. Pursuing these priorities is sustained by implementing and strengthening the legal and policy framework in the various areas.

44. The PQG includes actions intended to guarantee the survival, protection and development of children through the provision of good quality basic social services and of equitable access to education, health care, water, sanitation and housing, thus helping to create the fundamental capacities of human and social capital, and to improve social and economic well-being.

45. The Government accepts that respect for human rights, is one of the basic conditions for maintaining an environment of social and political harmony, which are indispensable conditions for the development of the country.

46. In this context, has pursued its efforts to consolidate the rule of law, seeking to implant a fair and speedy justice system.

47. The preservation of National Unity, in the context of ethnic and cultural diversity, traditions, religions, gender and the plurality of ideas has always been pursued, allowing each citizen to reveal his/her talent, creativity and cultural knowledge, as forms of promoting freedom of expression, democracy and culture, which are fundamental for maintaining a political and social climate favourable for harmonious economic and social development.

48. Based on the principle that knowledge is indispensable for improving living conditions, the Government is banking on continued expansion of the various levels of education services and on improving their quality.

49. The coverage of the Primary and Secondary school network has been expanded to all districts in the country. Higher education institutions have been set up in all the provinces. The number of public and private higher education institutions throughout the country has risen from 27 in 2006 to 49 in 2016.

50. In this context, the Government continues to prioritise expansion and access of children to education, complemented by literacy programmes aimed particularly at women and at youth of both sexes.

51. The Government is committed to promote and preserve health, as well as prevent diseases, which also contributes to empowering the production and productivity of the family sector, increasing its income, improving the living conditions of citizens and reducing the levels of poverty.

### **C. Legislative Measures**

52. Child protection in Mozambique is based on the Constitution of the Republic which contains provisions which provide a basis for formulating legislative measures to protect children.

53. In order to ensure child protection, several laws have been passed which take into consideration the provisions of the CRC, and of other treaties ratified by Mozambique.

54. As mentioned in the previous reports, the framework of the country's ordinary legislation, several laws on child protection have been reviewed or adopted. Among those, are the Civil Registry Code and the Family Law, Law no. 10/2004, of 10 August, which strengthened the guarantees of children's rights.

55. Worth to mention the approval of the Law on the Promotion and Protection of Children's Rights (Law no. 7/2008 of 9 July), the Law on the Jurisdictional Organisation of Minors (Law no. 8/2008 of 15 July), the Law on Preventing and Combatting the Traffic in

People, particularly Women and Children (Law no. 6/2008 of 9 July) and Law no. 29/2009, of 29 September, on Domestic Violence against Women, which includes provisions on child protection.

56. In the context of implementing Law no. 4/2007, of 7 February, on Social Protection, the Regulations on the Sub-system of Basic Social Security were approved by Decree no. ° 85/2009, of 29 December, which defines children living in poverty as one of the priority target groups for Government intervention.

57. Also in the context of revising the legislation, Law no. 35/2014, which revised the Penal Code, was approved, which seeks to bring the Code into line with political, social, cultural and economic reality; it guarantees the realisation of the rights and freedoms of citizens according to reality.

58. In order to ensure the protection of victims, whistle-blowers, witnesses or experts in criminal cases, Law no. 15/2012 of 14 August, was approved. This law establishes protective mechanisms and sets up the Central Victim Protection Office, which is to provide, free of charge, support, services and measures of protection for the beneficiaries.

59. These instruments cover several areas of children's rights, including the right to a name and nationality, the freedoms of expression, thought and assembly, life in a family and protection.

### **Publicising the Rights of the Child**

60. As mentioned in the previous report, in order to publicise the Convention and other similar instruments, a strategy was established in the country to disseminate the rights of children. In the period under analysis, the CRC and other instruments concerning child protection were publicised by public institutions, civil society, NGOs, UN agencies, through lectures, theatre, films, radio and television programmes, brochures and leaflets.

61. Publicity and capacity building sessions about children's rights were held for the staff of institutions and organisations, notably for the institutions of justice administration, education, health and social welfare, as well as for traditional midwives, practitioners of traditional medicine, initiation rite guides and religious leaders, among others. About 400,000 brochures and leaflets were produced and distributed, and 100,000 posters on children's rights. 13 films and radio series were also produced and publicised about children's rights, birth registration, child marriages, and preventing violence, including trafficking and child labour.

62. Nationally, 30,000 encounters were organised in communities, schools and institutions, reaching about 1.5 million people, and there were 2,500 debates in the media.

63. In recent years, the rights of the child are also publicised relying on social platforms of information technologies such as SMS, BIZ, a free service which is easy to use where young people, parents and relatives have access to information on sexual and reproductive health.

64. In the annual commemorations of International Children's Day and the Day of the African Child, publicising children's rights is the main form of celebration. During approximately three weeks the celebrations count with the participation of children, civil society organisations and international bodies in accordance with the concerns and the priorities.

65. Several other activities are held under this strategy to publicise the CRC and to raise the awareness of public opinions about its principles and provisions. In the media, the Rights of the Child are constantly divulged as can be seen in the chapter on the right to information.

66. In education, there stands out the inclusion of the rights of children, in training manuals of pre-school education and in the curricula of primary and secondary education, as well as in the official books of the National Education System.

67. In the training curricula for judges, prosecutors, police officers, immigration agents, social welfare staff and teachers, among others were trained on the basic principles of CRC.



68. Also in the framework of publicising children's rights, there stands out the action of the Child Protection Community Committees which divulge and channel cases of the violation of children's rights to the relevant bodies.

## **D. Mechanisms to Coordinate Policies concerning Children**

69. The Government has adopted coordinated policies in order to pursue the priority goals of the national agenda.

### **D.1. Institutional Coordination**

70. Coordination between the ministries and the various bodies of the state apparatus takes place at various levels, political and technical: (i) in the working meetings envisaged in the legislation, in the programmes of activity, and; (ii) in the drafting and implementation of the PQG, and of the sector and provincial strategic plans, in the Economic and Social Plan, in the State Budget, and other instruments of governance.

71. The Development Observatory is a privileged forum for harmonisation between the Government, Civil Society and the cooperation partners.

72. To ensure coordination of the efforts undertaken by various governmental institutions and by civil society organisations that intervene in the promotion and defence of the rights of the child, in the context of Law on the Promotion and Protection of Children's Rights, and of the PNAC, the National Council on Children's Rights (CNAC) was set up, through Decree no. 8/2009, of 31 March, of the Council of Ministers, chaired by the Minister of Gender, Children and Social Welfare.

73. Further to strengthen coordination between public bodies, civil society organisations, religious institutions, and the private sector that intervenes in the area of children, social welfare, and basic social security, the National Council of Social Welfare (CNAS) was set up, through Decree 38/2015, of 31 December, of the Council of Ministers, to replace the CNAC.

74. With the establishment of CNAS, the level of its chair was raised, to the Prime Minister. The deputy chair is the Minister of Gender, Children and Social Welfare, and other members include the Ministers of Justice, Religious Affairs and Human Rights; of Education; of Health; of Labour, Employment and Social Security; and of Agriculture and Food Security. The Council also includes 8 representatives from civil society organisations which intervene in matters of children (2) of the elderly (2) of people with disability (2) and basic social security (2), 3 recognised religious institutions and 1 representative of the private sector.

75. The CNAS has a specialised Commission making it possible to look in depth on issues concerning with the promotion and protection of children's rights.

### **D.2. Monitoring and Assessment Mechanisms**

76. Monitoring the actions undertaken in favour of children is part of the system of Monitoring and Assessment of government programmes, under the responsibility of the Ministry of Economy and Finance in coordination with the National Statistics Institute (INE), particularly in handling quantitative surveys, such as, for example, the Household Budget Surveys (IOF) and the Demographic and Health Survey.

77. Civil Society, in general, has played an important role through promoting debate on public policies, based on the Monitoring and Assessment results presented at the Poverty Observatories.

78. At district level, the management of Monitoring and Assessment System is the responsibility of the local government around the Institutions of Community Participation and Consultation, where the quality, utility, sustainability and accessibility of the goods and services produced in the framework of programme implementation are monitored and assessed.

## E. Budget in the area of children

79. The fight against poverty implies channelling the scarce budgetary resources to actions that contribute to sustain and comprehensive economic growth and for a better distribution of resources in the economy. Drawing up the Medium Term Fiscal Scenario, an instrument for programming and managing financial resources, is intended to allow a medium term vision in the budgetary programme, guiding the allocation of resources in accordance with the objectives laid down by the Government.

80. The main economic and social goals of the Government are expressed through their disaggregation in the main instruments of annual economic management, namely the PES and the OE.

81. In general, despite the ups and downs arising from the economic conjuncture of the country, the OE allocated to the sectors selected with direct impact on implementing children's rights did not record growth. Table 1 shows the percentage of the OE for the social sectors.

Table 1  
State Expenditure on the Social Sectors

Item	2009	2010	2011	2012	2013	2014	2015	2016
<b>Total expenditure (Millions of MT)</b>	<b>77 758.4</b>	<b>95 672.6</b>	<b>118 499.7</b>	<b>133 136.6</b>	<b>163 985.2</b>	<b>200 313.2</b>	<b>174 291.9</b>	<b>204 304.1</b>
Education (%)	21.4	20.8	12.4	20.1	19.3	18.6	24.0	21.7
Health (%)	10.4	8.3	7.0	11.8	12.7	8.7	10.6	11.7
Water and public works <sup>5</sup> (%)	4.6	5.3	5.3	5.4	5.0	2.0	2.6	4.1
Social Welfare and Labour (%)	1.4	1.2	1.4	3.3	3.2	3.3	2.9	2.6
Justice (%)	1.4	1.2	1.4	1.8	1.7	1.8	2.4	1.4

Source: MEF, 2016.

82. The Government has undertaken actions to increase transparency and participation in budgetary processes. Information on the OE is made available through electronic platforms, meetings and the Poverty Observatory.

## III. Definition of the child (article 1)

83. The Law on the Promotion and Protection of Children's Rights defines a child as any individual under 18 years of age.

84. Civil majority is attained at the age of 21 years, when individuals acquire full capacity to exercise their rights, and are able to decide on their own and dispose of their property by force of Article 122 of the current Civil Code. For the exercise of political rights, the Constitution of the Republic, in Article 73, paragraph 2, grants electoral capacity to citizens over 18 years of age, with the exception of those who are legally deprived of this right.

85. Criminal responsibility is acquired at the age of 16 years, under Article 46 of the Penal Code. This results in a ban on penal measures involving loss of liberty to all individuals under 16 years of age. Only measures of protection, assistance or education may be applied to them.

86. Criminal protection measures are enshrined in various other legislative diplomas, such as the Civil Code, which ensures the civil protection of minors, in Article 488, paragraph 2. Also Law 35/2014, of 31 December, the Revision of the Penal Code, stipulates,

<sup>5</sup> The budget includes expenditure on Sanitation.

in article 75, that someone less than 21 years old but older than 18, has relative imputability, subject to penalties or measures that deprive them of freedom with an educational purpose in establishments intended for minors, or separated from adults if placed in a normal prison. Under article 59, of the same Law, life imprisonment, or imprisonment for an unlimited or indefinite duration, is outlawed regardless of the age of the offender. As for capital punishment, the Constitution in force outlaws its use in Mozambique.

87. Legal consultation, as well as fitness to practice legal acts regulated and supervised by civil law, is barred to individuals who have not attained the age of majority, as established in Article 123 of the Civil Code. This incapacity may, however, be overcome by paternal power and by guardianship, although in some cases the law makes it obligatory to obtain prior authorisation from the Minors' Tribunal.

88. As for medical consultations, children do not need the consent of their parents to benefit from clinical care, as long as this does not imply surgery. In the case of surgical interventions, written consent is necessary from the parents or from another responsible person. Pregnant girls are recognised as having the capacity to attend the mother and child health services.

89. Marriageable age is fixed at 18 years of age under the Family Law (Law 10/2004, of 25 August).

90. However, paragraph 2 of the article 30, states that "a woman or man over 16 years old, may, exceptionally, contract matrimony, when circumstances occur that are of recognised public and family interest, and the parents or legal representatives consent". Seeking to ensure the protection of children, the country has begun a process of reflection to revise this provision by fixing marriageable age at 18 years without any exceptions.

91. Under Article 2 of Law no. 32/2009, of 25 November, on Military Service, the duty for serving military service and the compliance of military duties begins at the age of 18 years, the age at which it is obligatory for citizens to register for military service. This is also the minimum age for special recruitment, the category which covers voluntary provision of military service. Incorporation into the armed forces occurs in the year when the citizen celebrates his/her 20th birthday. The clear result is that, in terms of the law the involvement of individuals under 18 years of age in military activities is forbidden.

92. Under the Labour Law, Law no. 23/2007, of 1 August, the legal capacity for work is acquired at the age of 15 years, but opens the possibility that minors aged between 11 and 15 years may work under special conditions.

93. The ban on people under the age of 18 consuming alcohol and tobacco, and the ban on their access to public places of night entertainment is laid down in the Law Regulating the Access of Minors to Public Places of Nocturnal Entertainment and the Consumption of Alcohol and Tobacco (Law 6/99, of 2 February) mentioned in the previous reports.

94. The Law on the consumption of Drugs, Law no. 3/97, in Article 40, regulates the protection of children against the use of narcotics, and increases the sentences imposed on offender when these substances have been delivered to or are intended for minors.

95. However, there remain challenges in ending the social practices which are not in accordance with what is legally established.

#### **IV. General principles (articles 2, 3, 6)**

96. The Constitution of the Republic enshrines the fundamental principles of the rights of citizens, resting on the democratic state and the rule of law. Indeed, the Constitution enshrines, in Article 35, peremptorily, the universal principle of equality.

97. The interpretation of the constitutional provision, and other provisions about the rights of children, is that they are in harmony with the Universal Declaration of Human Rights, and other international human rights instruments.

## A. Non-discrimination (Article 2)

98. The Constitution establishes the principle of universality and the equality of citizens, except for provisions in the constitution itself or elsewhere in the judicial order arising from it, such as the age for marriage, for voting, etc.

99. Also with regard to the principle of non-discrimination, the constitutional provisions protect and guarantee children's rights, and ensure that the international norms ratified are reflected in the domestic legal order - articles 35, 36 and 37 of the Constitution.

100. In addition to the legal framework instituted, concrete actions are being undertaken to ensure the access of children to basic service, reducing the difference between children from the urban areas and those from the rural or poorer areas, to eliminate disparities and negative attitudes.

101. In this context, the Government's strategies intend to safeguard the best interests of the child, by seeking, with the participation of various stakeholders, to eradicate social evils damaging to children.

102. The principle of equality and non-discrimination is reflected in several laws, among which the Law 6/92, on the National Education System (SNE) which establishes that the SNE is guided by the principle that education is "*a right and a duty of all citizens*" and advocates the guarantee of basic education for all.

103. One of the priorities of the Government is the gradual elimination of the disadvantages faced by children living in rural areas, in access to rights and services offered through programmes to expand the networks of social services.

104. There are no records of systematic or deliberate discrimination against children on the basis of colour, social or ethnic origin, or other criteria, including expressions of xenophobia or discriminatory attitudes towards refugee children. But the state, in collaboration with civil society, NGOs and cooperation partners, is adopting measures to eliminate disparities, negative practices that might promote discrimination against children.

105. In recent years it is a matter of concern that there have been cases of trafficking and violence against people with albinism, including children, for the extraction of their body parts.

106. As for girls, several initiatives are being implemented which seek to eliminate the disparities between girls and boys. Among them there stand out actions to ensure the education of girls. As a result the proportion of girls in education in comparison to boys has risen to 47.8%.

107. It must be stressed that the eradication of these discriminatory social evils surpasses the responsibilities of the Government, and continues to demand responsibility from national and international partners.

## B. Best interests of the child (article 3)

108. In line with article 3 of the CRC, "the fundamental rights enshrined in the Constitution do not exclude any others contained in the laws" (article 42). The principle of the best interests of the child is already enshrined expressly in the constitutional text (article 47, paragraph 3) which establishes that acts concerning children should take into account the principle of the best interests of the child.

109. In terms of ordinary legislation, as mentioned in the previous report, the principle of the best interests of the child is established in Article 9, paragraph 3, of the Law on the Promotion and Protection of Children's Rights, in Article 1 of the Law on the Jurisdictional Organisation of Minors, and in Article 284 of the Family Law. Hence the legislative, administrative and judicial measures taken by the State authorities defend the best interests of the child.

110. In the same way, the best interests of the child is patent and underlies the application of various other basic principles concerning children's rights, such as the cases of non-discrimination, of survival and development.

### **C. The right to life, survival and development (article 6)**

111. The country's Constitution guarantees the right of children to well-being (article 47), and to protection by the family, the State and society, seeking to ensure their all-round development.

112. The Law on the Promotion and Protection of Children's Rights contains provisions on the rights to life, survival and development. For example, Sub-title II defines the fundamental rights, including the right to life, the protection of life and of health, including measure to protect pregnant women and breastfeeding mothers. It is up to the family, the State and society to ensure the conditions necessary for these rights.

113. The regulations of the basic social security sub-system, approved by Decree 85/2009, of 29 December, envisages access to programmes of social assistance.

114. In this context, the Government, with the participation of civil society, is implementing programmes to guarantee children basic access to food, education, health and leisure. Despite this, the situation of poverty of much of the country's population hinders access to basic services.

115. Road accidents are against the health and development of children and in some cases result in deaths. To prevent and reduce cases of road accidents, measures were taken such as, approval of norms on the distances between schools and public highways; tough measures on training of drivers and the granting of driving licences; training of the traffic police; collaboration between the police, schools and the National Road Transport Institute (INATER) to facilitate collective road crossings of pupils at critical points on the public highway, and placing speed humps on roads near schools to reduce the speed of vehicles.

116. Alongside these actions, content was introduced into the basic education curriculum on the behaviour of children on the public highway and on the traffic signs that regulate the circulation of vehicles.

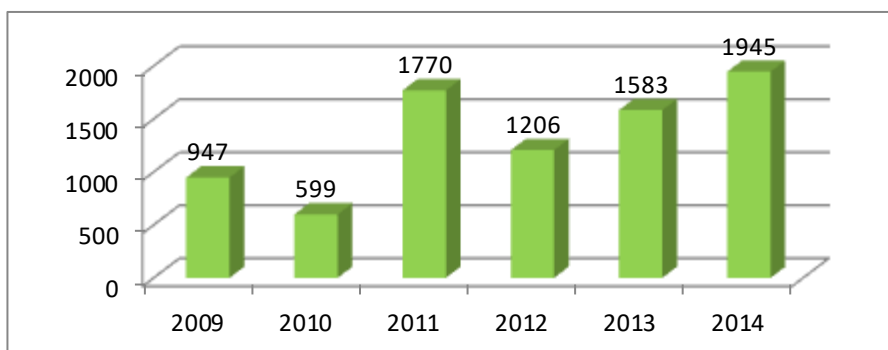
117. Following up the observations of the Committee, measures to prevent road accidents involving children were strengthened. 60,198 open talks were realised, and in places where people gather. There were 4,350 educational meetings, 15,934 messages passed on radio and television, and there were 47,922 awareness raising actions on the public highway, among others.

118. Also in this context, the Government approved legal instruments intended to reduce the number of road accidents arising from professional activity, notably Decree 23/2015, of 30 September, which sets norms for times of driving and rest for professional drivers, and Decree 122/2013, of 13 August, of the Minister of Transport and Communications, which regulates the contents and requirements for the restoration of driving licences to drivers whose licences have been confiscated for medium and serious contraventions. Among other measures, this also makes it compulsory to possess first aid kits inside the public transport and cargo vehicles, as well as the recycling of drivers who have committed offences.

119. Implementation of these instruments resulted in a reduction in the number of road accidents from 3,197, in 2013, to 1,951 in 2016.

120. However, the actions undertaken have not had the desired effects since, from 2009 to 2014, 8,050 children were involved in accidents and the trend for an increased number of children to be involved in road accidents continued, despite the reduction registered in 2009/2010 and 2011/2012. Graph1 shows the number of children involved in traffic accidents.

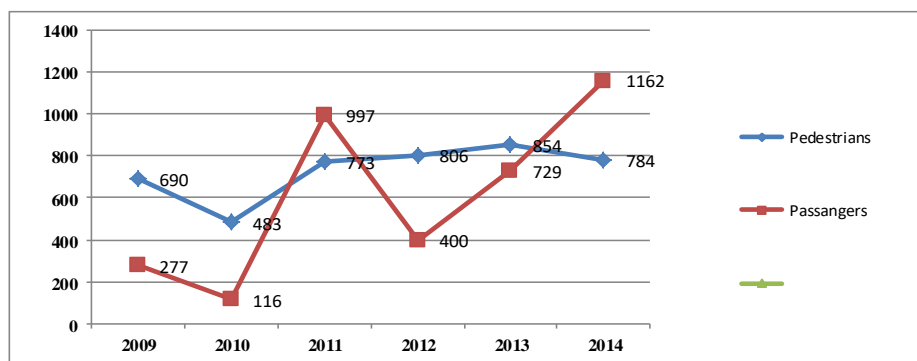
Graph 1  
**Children involved in traffic accidents**



Source: MINT, 2017.

121. The analysis of the data by type of accidents shows that most of the children (54.2 %) were involved in accidents as passengers. The evolution of road traffic accidents by type can be seen in graph 2.

Graph 2  
**Children involved in accidents as pedestrians and as passengers**



Source: MINT, 2015.

122. Reducing the number of road accidents involving children is a concern of the Government and of society in general and so actions have been undertaken with the participation of civil society organisations. Taking into account the occurrence of railway accidents, activities are held to make children and adults aware of the need to respect the signposting and to keep a minimum distance from railway lines.

123. In 1998, Mozambique ratified the Treaty outlawing Land Mines, known as the “Ottawa Treaty”, which came into effect on 20 March 1999, and the Convention on Fragmentation Munitions in 2011.

124. In compliance with the Ottawa Treaty, the country undertook major demining work, and has been declared free of land mines.

125. With the conclusion of the demining, the Government defined as a priority implementation of programmes to improve the quality of life of people with disabilities, particularly the victims of land mines.

126. In this context, the Council of Ministers approved the Plan of Action for Assistance to Mine Victims (2015–2019) to strengthen the assistance actions under way as part of implementing the National Plan for the Area of Disability.

127. This Plan defines the priority actions to be undertaken by the various stakeholders in the framework of Social Protection, Health, Physical Rehabilitation and Psycho-Social Support; Employment, Training and Socio-economic insertion.

## D. Respect for the opinions of children (article 12)

128. Article 47 of the Constitution of the Republic states that children may freely express their opinion about the questions concerning them, and these are duly taken into consideration, bearing in mind their age and maturity.

129. In line with Family Law, court decisions concerning custody, regulation of parental power, minors' justice and the placing of children in foster families, take into consideration the viewpoints of the child. For adoption in particular, it is obligatory to hear the child to be adopted, if he/she is more than 7 years old and the consent of the child to be adopted is obligatory when he/she is more than 12 years old (articles 396 and 399).

130. As mentioned in the previous report, there are several forums in the country which provide an environment where children participate in discussing issues concerning them and are trained for the exercise of citizenship, namely:

### “D.1. Children’s parliament

As mentioned in the previous report, the children’s parliament is a mechanism for participation, consisting of children elected by other children to represent them, to reflect on their rights, to interact and enter into dialogue with members of the government, parliamentarians and representatives of Civil Society about the questions that affect their lives. The Head of State and of the Speaker of the Assembly of the Republic, do interact with the children.

The Children’s Parliament is an initiative of the Government of Mozambique, and is the main national forum where themes that affect children are debated by the children themselves. It is implemented through the Ministry of Gender, Children and Social Welfare (MGCAS), with the participation of other ministries, civil society organisations, NGOs and United Nations agencies.

The Children’s Parliament works at national, provincial and district level. Representatives of children from schools, centres and programmes to care for children under difficult circumstances, take part in the Children’s Parliaments. Gender balance and geographical representation are considered, as well as the participation of children with disabilities and in a vulnerable situation.

In addition to participation in the parliamentary sittings, the “*child deputies*” publicise their rights in the schools, and in the communities.

The *Parliament* is of crucial importance since it leads institutions, organisations and communities to pay more attention to what children say and want. Indeed, the recommendations of the Children’s Parliaments were included in the PNAC and in the PES, and plans of the civil society organisations.

### D.2. School councils

Children take part in the school councils formed by representatives of pupils, parents, teachers and communities. The school councils discuss and propose solutions for the problems that affect the schools. Alongside these councils, the pupils participate in the life of their schools through the regular meetings they have with the class directors.

### D.3. Child protection community committees

Children take part in the community committees,

These Committees consist of elected adults and children, set up as part of the response to the problem of orphans and vulnerable children and to facilitating children’s access to basic services, hold activities to disseminate children’s rights.

#### D.4. Participation in the media

Children participate in producing and presenting programmes in various public and private media in Portuguese and in Mozambican languages. These are programmes of children for children. In order to ensure the effective participation of children in the programmes, 350 children have been trained in journalism at Radio Mozambique and Mozambican Television, and ‘children’s clubs’ have been set up. These are spaces where the children prepare the content of the programmes to be broadcast.”

131. Children participate in various programs. For example, 4,000 teenagers and youths took part in the programme “youth Friday”, a TV program which reflects upon issues that concern them.

132. At civil society level, actions were also held to build the capacity of children in journalism, in order to allow them to participate in spreading information.

133. With regard to children’s opinions, a major constraint has been certain negative social practices, such as child marriages agreed between families, violence, and other associated practices.

### V. Civil rights and freedoms (articles 7, 8, 13–17 and 37)

134. The Constitution establishes the principle of universality and equality in Article 35. On this basis, articles 48 and 51 recognise that children have the right to freedom of expression, freedom of the press, and freedom of assembly and of demonstration, as well as the right to information. Indeed, freedom of expression covers the faculty of children to express their thinking by all legal means, and the exercise of the right to information may not be limited.

#### A. Name and nationality (article 7)

135. The right of a Mozambican child to a name and nationality is duly enshrined in the country’s internal legislation, as mentioned in previous reports. The Family Law establishes, in article 205, the right to be registered and to use a name.

136. In composing the name of the child being registered, the constitutional guideline which lays down equality between men and women is taken into consideration.

137. The same law, in Article 204, on equality of rights, states that “children have the same rights and are subject to the same duties regardless of the origin of their birth”.

138. As for nationality, the Constitution establishes the principle of original nationality and acquired nationality. For original nationality, Article 23, on the principle of consanguinity, states.

139. On the principle of territoriality, Article 24 states that *Citizens born in Mozambique after the proclamation of independence are Mozambicans except for the children of a foreign mother and father when either of them is in Mozambique at the service of the State to which he or she belongs.*

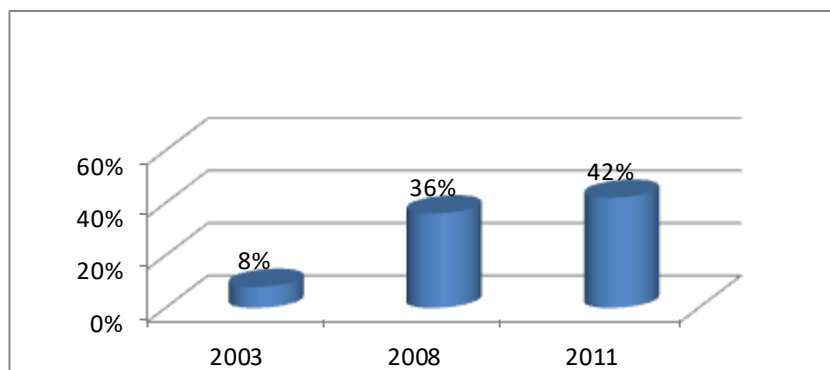
140. Article 25, on the age of majority, states that *“Individuals who, meeting the requirements for original nationality, did not acquire it because of the choice made by their legal representatives, are Mozambicans, if when they are older than 18 years of age, and within a year of attaining majority, they declare for themselves that they wish to be Mozambicans”.*

141. Nationality may only be acquired by individuals who have reached the age of majority, except in cases of adoption, in terms of article 29, which states that *“the person fully adopted by a Mozambican national acquires Mozambican nationality”* and by parenthood under the terms of Article 28, *which states that “through the act of naturalisation, Mozambican nationality may be granted to the children of a citizen of acquired nationality, if they are single, and under 18 years of age”.*



142. The 2011 IDS showed that only 42% of children under 5 years of age were registered. This was an increase when compared with the Multiple Indicators Survey (MICS) of 2008, which indicated that 31% of children under 5 had been registered, 39% in the urban areas and 28% in the rural areas (IDS, 2011). The data from IDS 2011 compared with those from IDS 2003 show that significant progress has been made, rising from 8% to 42%. The evolution of birth registration can be seen in graph 3.

Graph 3  
**Children registered up to 2011**



Source: MICS, 2008 and 2011.

143. The low levels of registration are caused by socio-demographic factors, such as the level of education of the parents, cultural barriers, lack of knowledge that registration is free of charge in the first 120 days after the birth, and limitations of resources.

144. Faced with this reality, the Ministry of Justice and Constitutional and Religious Affairs (MJACR), with the support of UNICEF and other partners, organized mass birth registrations.

145. New birth registration posts were opened, including in some maternity wards, mobile brigades were used, and registration was included in the National Child Health Week, and the integrated campaign for birth registration and the issuing of identity cards. This strategy has resulted in an increase in the registration of children in the early years of their lives.

146. Since 2012, the MJACR, in collaboration with the Ministries of Science and Technology, Health and the Interior, and with the National Statistics Institute, has embarked on the Electronic Birth Registration Programme and links with the life statistics, allowing greater interconnection between the data bases from various sources.

147. The efforts made have allowed the registration of 7,959,816 children between 2009 and 2016, as table 2.

Table 2  
**Children registered**

<i>Year</i>	<i>No of Registrations</i>
2009	1.021.888
2010	1 946 025
2011	583 467
2012	1.145.182
2013	811.080

<i>Year</i>	<i>No of Registrations</i>
2014	659.035
2015	1.015.008
2016	778.131
<b>Total</b>	<b>7.959.816</b>

*Source:* MJACR, 2016.

148. However, despite the measures to ensure the registration of children at their birth, mentioned above, the problem still prevails of late registration, since many children are not registered within 120 days of their birth.

149. In this context, the prospect is for continued efforts to expand the civil registration service and to increase actions to raise awareness of the need to register children at birth.

## **B. Preservation of identity (article 8)**

150. Mozambican legislation recognises all the elements that constitute the identity of a child, notably the right to a name, to a nationality and to a family. Once the right to a name is enshrined, its preservation is also guaranteed and protected in national legislation. This is one of the ways of respecting the best interests of the child, regarding the constituent elements of his/her identity.

## **C. Freedom of thought, conscience and religion (article 14)**

151. The exercise of the right to freedom of thought, of conscience and of religion is guaranteed to citizens in general – hence including children – and is enshrined in the Constitution of the Republic, as can be seen in the provisions of Article 12, paragraphs 3 and 4, taken together with Article 54, which established the freedom of citizens to practice or not to practice a religion.

152. The Government, through MJACR, has established simple procedures for registering religious bodies. It is important to note that the Government is undertaking an exercise aimed at passing a law on freedom of religion and of worship.

153. Religious matters are not part of the official education curriculum in Mozambique, but are freely taught in churches, mosques or where attendance is voluntary.

## **D. Freedom of association and of peaceful assembly (article 15)**

154. As mentioned in previous reports, freedom of association and of 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 terms of the law, and enjoyment of the freedom of association.

155. Social organisations and associations have the right to pursue their goals, to create institutions intended to achieve their specific objectives and to possess assets to attain their activities. In terms of the law, armed associations of a military or paramilitary type are forbidden, as are those that promote violence, racism, xenophobia or that pursue goals contrary to the law.

156. In the ordinary legislation, the right to free association is duly regulated by Article 3 of Law 8/91, which enshrines the freedom of citizens over 18 years of age, in full enjoyment of their civil rights, to freely set up associations.

157. As for citizens under 18 years of age, the same law guarantees the freedom to set up youth organisations.

158. Under this law, there are no restrictions on the freedom of children to hold or to join peaceful demonstrations, as long as these are held in observance of the law in force, and in situations that do not endanger their best interest.

### **E. Protection of privacy (article 16)**

159. The Constitution of the Republic establishes, in Article 51 and the following articles, the right to honour, good name, reputation, the defence of one's public image, and to privacy, and that all the constitutional precepts regarding fundamental rights are in harmony with the Universal Declaration of Human Rights and with the African Charter on Human and People's Rights.

### **F. Access to appropriate information (article 17)**

160. The right to information is enshrined in Article 74, paragraphs 1 and 2, of the Constitution of the Republic, which states that all citizens have the right to freedom of expression, freedom of the press and to information.

161. The Constitution also allows public, private or cooperative bodies to own mass media. The public sector of the mass media should serve the public interest and promote the access of citizens to information.

162. As for radio and television, the law determines that the public sector should design and broadcast balanced programming, taking into account the diversity of interests and preferences of their audience (including children), should promote communication for development, produce and transmit national achievements, and promote culture and creativity.

163. The independence of the media, the freedom of the press, broadcasting rights and the right of reply, as well as respect for social ethics and compliance with the ethical principles of journalism, are guaranteed by a Higher Mass Media Council, set up by Law 18/91 of 10 August – the Press Law.

164. Although the press law is not specific, its objectives prioritise the interests of children, especially for the expected contribution of the sector in the areas of the promotion of democracy and of social justice; the raising of the level of the social, education and cultural awareness of citizens; and the education of citizens about their rights and duties; among others.

165. The objectives mentioned above give the mass media, particularly those in the public sector, the responsibility to ensure that children have access to information and material from various sources, particularly those intended to promote their welfare and development.

166. According to the IOF, the proportion of households with a radio rose from 54.56% in 2008/2009 to 55.5% in 2014/5 while the proportion of households with television increased from 12.4% to 24.2%. From these data, it may be concluded that more children have access to information.

167. The country's main broadcaster, Radio Mozambique, covers the vast national territory through its national and provincial stations. In this radio, programmes of and for children have been broadcast regularly. Some of them are produced and presented by children themselves, who are given the right of free expression and initiative.

168. When broadcasting news items concerning children, RM respects the provisions of its Editorial Statute, namely the observance of ethical aspects and of the rights of children, notably the right to privacy and to protection against stigmatisation and the influence of values damaging to the formation of their personality.

169. The Social Communications Institute (ICS) plays a very important role in public education and in mobilising communities, particularly rural and peri-urban communities, on matters concerned with improving the living conditions of the public and especially of children.

170. The Institute has set up 54 community radios and 12 mobile multi-media units in the rural areas. It has also set up collective Radio Listening Centres by making available radio receivers, solar power and electrical current.

171. In civil society, 45 community radios have been set up affiliated to the Community Radio Forum (FORCOM).

172. As for Mozambique Television (TVM) as well as promoting educational and recreational children's programmes. One important activity undertaken by this station has been the promotion of television debates and reports on matters concerned with the lives of children.

173. Private television stations broadcast in the country. Through special contracts, the public has access to private packages of international television programmes transmitted by satellite.

174. As for the written press, there are various papers which publish information concerning the rights of the child.

175. The efforts made to ensure children's access to information have resulted in making various programmes, in Portuguese and in national languages, by children for children in the media. An annual average of 360 programmes are broadcast on the National and provincial RM stations and TVM and 460 on the community radios.

## **G. The right not to be submitted to torture and to other cruel, inhuman or degrading treatment or penalties, including corporal punishment (article 37)**

176. Mozambique ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Penalties or Treatment, through Resolution no. 8/94, of 20 December, of the Assembly of the Republic.

177. In order to introduce the precepts of this Convention into domestic legislation, 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 not to be subjected to torture or to cruel or inhuman treatment, and that in the Republic of Mozambique there is no death penalty.*

178. The Law on the Promotion and Protection of Children's Rights, in Article 6, states that that children may not be submitted to negligent, discriminatory, violent and cruel treatment, or be subjected to any form of exploitation or oppression, and all acts which violate these principles are punished by law. Article 11 establishes the right to life which includes respect for the physical, moral and mental integrity and all-round development of the child.

179. Abuses and violence against children are punishable under the provisions of the Penal Code.

180. Thus cases of ill-treatment of and cruelty towards children, by family members or by others, when detected, due treatment is provided from the police and judicial authorities, punishing the offenders. Article 179 of Law no. 35/2014, of 31 December, the Revision of the Penal Code, makes special mention of domestic violence against children, and imposes a prison term and a fine of up to 6 months for anyone who causes physical or psychological ill-treatment, does not provide care or health assistance to a minor under his/her care, custody or responsibility, or who employs the minor in dangerous activities.

181. However, although the legislation in force protects children, cases of violence have been registered, committed mainly inside families.

182. As mentioned in the previous report, the Ministry of Interior has set up offices to care for the family and minors who are the victims of violence, in police stations, posts and district commands, as part of implementing the national instruments, including the CRC.

183. Seeking to bring the services closer to the communities and thus guarantee access to services by the victims of violence, the number of offices dealing with Victims of Violence increased from 215 in 2009 to 285 in 2016.

184. From 2009 to 2016 the Offices and Sections caring for the Family and Minors registered 18,183 cases of violence and negligence against children. Table 3 indicates the number of children cared.

Table 3

**Children attended to in the Sections and Offices Caring for the Family and Minors**

<i>Type of crime</i>	<i>Child victims of sexual abuse, kidnapping, trafficking and ill treatment</i>								
	<i>Period of occurrence</i>								
	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>Total</i>
Ill-treatment	172	478	589	508	615	309	245	172	3.088
Sexual violence	447	908	815	458	510	650	761	803	5.352
Kidnapping	42	54	45	28	33	26	40	20	288
Trafficking	21	2	0	14	4	16	9	10	76
Children found	1332	1184	786	1081	1274	1196	1226	1250	9.329
<b>Total</b>	<b>2.014</b>	<b>2.626</b>	<b>2.235</b>	<b>2.089</b>	<b>2.436</b>	<b>2.197</b>	<b>2.281</b>	<b>2.255</b>	<b>18.183</b>

Source: MINT, 2016.

185. The data in the table above represent some of the cases of violence and negligence against children. Denunciation of these cases results from the efforts of the Government in coordination with civil society and partners in making children, families and communities aware of the need to denounce.

186. To ensure adequate care for the victims, in 2012 the Integrated Mechanism to Care for Victims of Violence was set up with the aim of improving access to and availability of good quality services in an inter-connected manner. Coordinated by the MGCAS, the Mechanism includes the Ministries of Health, the Interior and Justice and participation of civil society organisations.

187. Also in the framework of the partnership between the government and civil society, services to assist the victims of violence operate which provide social, medical, psychological and legal aid to the victims and their families.

188. In addition to child victims of violence, there are frequent cases of lost children. While their relatives are not identified, these children are sent to reception institutions belonging to the State and to civil society organisations.

## **VI. Family environment and alternative care (articles 9, 10, 11, 15, 18 paragraphs 1–2, 20, 21, 25, 27 paragraphs 4, 19, 39)**

189. The Constitution of the Republic states, in Article 120, the responsibility of the family to protect children. It also establishes the duty of parents to provide assistance to their children born inside and outside of marriage.

190. The Family Law and the Law on the Promotion and Protection of Children's Rights establish the right of the child to live in his/her family, and the duty of the parents and of the family to protect the child, and the responsibility of the State to adopt measures so that the child is not separated from the parents against their will, unless the competent authority decides to do so in the best interests of the child.

191. 46.1% live below the poverty line<sup>6</sup> and a significant number of those who have incomes above the poverty line are very vulnerable to the risk of falling into poverty in the event of shocks while “the level of expenditure from the first to the fourth quintile shows only moderate differences”.

192. Households are vulnerable to natural disasters. These reduce the level of consumption of the affected populations and degrade their goods and assets, sharpening their vulnerability.

193. HIV and AIDS, endemic diseases, chronic illnesses, result in orphaning children who often find themselves obliged to look after their younger siblings and their incapable grandparents.

194. Faced with this scenario, the Government is implementing, through the National Social Welfare Institute (INAS), assistance programmes for vulnerable groups, including children.

195. The Direct Social Support Programme (PASD) consists of support in kind, generally basic foodstuffs, school materials, and means of assistance for individuals temporarily incapacitated for work and who require immediate support.

196. The Basic Social Allowance Programme (PSSB) consists of a monthly monetary transfer to individuals unable to work, in order to minimise their basic food requirements. This programme mostly cares for elderly people, people with disabilities, the chronically ill, and households with malnourished children.

197. The number of households benefitting from PASD and PSSB increased from 260,000 in 2009 to 472,000 in 2016. Among this universe, there stands out the provision of assistance to 7,761 households headed by children.

198. In 2012 implementation began of the Productive Social Welfare Programme (PASP) which covers people in a situation of vulnerability, but with the capacity to work. It has benefitted 79,832 households.

199. Through the Government programmes mentioned, and the actions of various organisations, support was provided to orphaned and vulnerable children. Table 4 shows the number of children benefitting from multiple forms of support.

Table 4  
**Orphaned and Vulnerable children receiving Multiple Forms of Support**

<i>Province</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
Niassa	-	1.056	2.095	5.370	4.734	5.971	5.000	6.544
C. Delgado	1.766	6.536	7.679	7.909	3.641	3.608	8.796	6.969
Nampula	27.154	42.504	24.224	34.735	35.219	36.380	23.970	24.115
Zambézia	71.259	47.903	70.225	67.826	78.255	80.966	65.465	8.718
Tete	10.367	16.985	9.965	10.114	10.231	24.320	26.514	29.786
Manica	41.432	35.828	63.975	16.098	14.379	15.871	12.642	26.750
Sofala	50.914	73.313	53.844	13.440	68.734	66.597	15.902	17.506
Inhambane	30.000	29.395	8.160	3.235	3.474	10.583	10.257	15.001
Gaza	33.022	79.395	26.696	49.340	50.645	19.347	20.020	12.050
Maputo Prov	3.019	3.010	3.455	4.249	5	1.985	989	7.846
MaputoCity	11.680	15.353	10.121	8.198	13.256	5.204	14.937	13.645
<b>Total</b>	<b>280.613</b>	<b>351.278</b>	<b>280.434</b>	<b>220.514</b>	<b>282.573</b>	<b>270.743</b>	<b>204.492</b>	<b>146.440</b>

Source: MGCAS, 2017.

<sup>6</sup> MEF (2016), Poverty and Well-being in Mozambique: Fourth National Assessment.

200. Orphaned and vulnerable children were included in professional training courses and psycho-social support was provided to child victims of sexual abuse and violence.

201. To ensure the provision of good quality services to children, the MGCAS has developed minimum standards, and has trained various stakeholders. For example, capacity building sessions were held for 800 staff of the various institutions in questions of psycho-social support and home care.

202. The family and the community are regarded as the front line response to the HIV/AIDS epidemic. Hence the strategy is to strengthen their capacities to seek for local solutions to protect and care for orphans and other vulnerable children, and to coordinate between the various stakeholders to meet the needs of the children.

203. The training given to members of the 1,480 CCPCs includes the question of children's rights, preventing and responding to violence and abuse against children so as to empower them with instruments to mobilise communities to comply with the rights of the child.

#### **A. Guidance of the Parents (article 5)**

204. The Family Law institutes the family and parentage and, in addition to the parents, makes the other members of the family responsible for protecting the child.

205. Indeed, the range of legal provisions extends responsibility for guiding the child beyond the paternal environment i.e., to the extended family and to the wider circle of the community of which the family forms part.

206. In this context, the Government is implementing programmes to inform and guide parents to care for the needs of the child in the framework of survival, protection and development.

#### **B. Responsibility of the parents (article 18, paragraphs 1–2)**

207. The Constitution of the Republic, in article 121, on childhood, contains clear provisions on the responsibility of the family in protecting children with a view to their all-round development as well as against any form of discrimination, ill-treatment and abuse of authority.

208. The Law of Promotion and Protection of Children's Rights defines the duties of the parents in Article 32 under which they have the duty to sustain, guide and educate their minor children, to comply and ensure compliance with court decisions, as well as the obligation to pay all the expenses concerned with the safety, health, feeding and development of the child.

209. The Family Law makes it obligatory for parents to represent their children and to administer their property, under the duties imposed by paternal power, until they have attained majority or emancipation.

210. However, if on the date when the children attain majority or are emancipated, they have not completed their education, the obligations imposed by paternal power remain to the extent "that it is deemed reasonable and for the period of time required for the completion of their respective training" (article 286).

211. For its part, article 288 establishes that "the parents cannot renounce parental power or any of the rights and duties that it especially confers upon them, without prejudice to what is laid down in the present law about foster families and adoption".

212. The Article 289, concerning children born outside of marriage, though with the mutual consent of the parents, states that "*the father or mother cannot discharge themselves of their duties towards the child born outside of marriage*".

### **C. Separation of the parents (article 9)**

213. With regard to the principle of the best interest of the child, Mozambican society prioritises the maintenance and strengthening of matrimonial unions. In this perspective, when dealing with cases of divorce or separation, it is the philosophy of the courts, of religious bodies and of traditional authority to seek for solutions of reconciliation particularly in cases where the couples have minor children.

214. Despite measures of prevention and reconciliation, the number of cases of separation and divorce is continuing to grow, fundamentally in the major urban centres, due to various types marriage conflicts. The presence of children living on the streets and in the 92 shelters, especially in Manica and Maputo provinces and Maputo City, is due mainly to the separation of the parents which places the children in a situation of vulnerability.

215. Article 313 of the Family Law establishes the exercise of parental power in the event of divorce, separation or annulment of the marriage, by agreement of parents, subject to confirmation or imposition by the court, which is refused if the agreement does not meet the best interests of the minor, including the interest of keeping him/her with the progenitor unless entrusted to a close relation, as well as the administration of his/her property. The parent has the power to follow closely the education and living conditions of his/her child.

216. In the cases where there is no agreement, the court decides the fate of the minor, the maintenance due to him/her and how it should be provided, entrusting him/her to the custody of one of the parents or, when the best interests of the child so justify, to a third person, or to an appropriate public or private institution. In these cases, the exercise of parental power is regulated by Article 314 of the Family Law, covering the powers and duties of the parents that may be required for the due performance of their functions.

### **D. Family reunification (Article 10)**

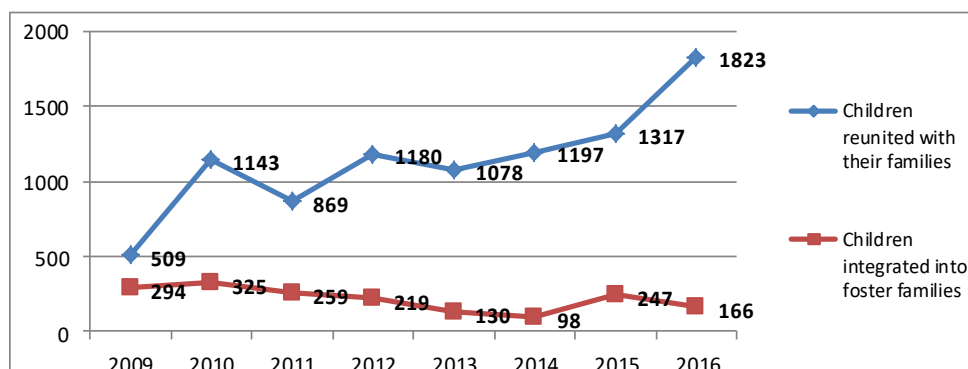
217. In Mozambique, the fundamental causes depriving children of a family environment concern the separation of the parents, orphan hood, ill-treatment within the parental or family environment, abandonment and expulsion.

218. The Social Welfare policy discourages the institutionalisation of children deprived of parental care, except as a last resort. It grants primacy to placing unaccompanied children and children separated from their relatives into family environments, which can guarantee the definition of their personality and emotional security, the guarantee of emotional ties, and their cultural identity, beginning with the extended families, members of the same community and, finally, foster families.

219. In the 2009-2016, 14,334 children separated from their families, 9,116 children were reunited with their biological families and 1,738 were integrated into foster families. This programme underwent oscillations in reunification. Floods and other natural phenomena contributed to this, by separating children from their relatives. Graph 4 shows the number of children reunited and those integrated into foster families.



Graph 4  
**Children reunited and integrated into foster families**



Source: MGCAS, 2016.

### E. Provision of maintenance (article 27, paragraph 4)

220. The responsibilities of parents towards their children are enshrined directly in the constitutional text, in article 120, paragraph 4, which states: “*Fathers and mothers shall assist their children born inside and outside of marriage.*”

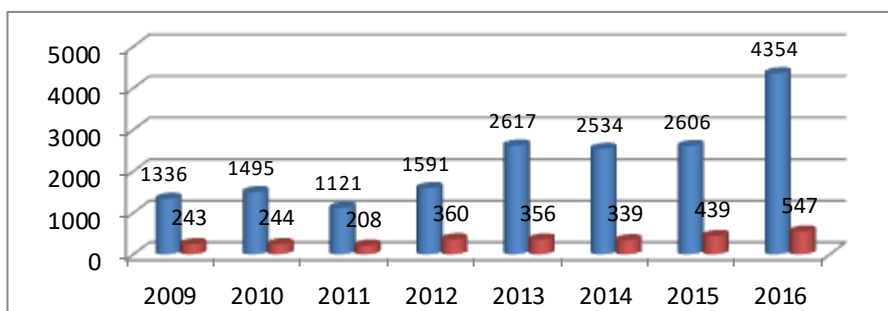
221. The Law on the Promotion and Protection of Children’s Rights states in Article 31 that parental power may be exercised equally by the father and the mother. The Family Law establishes in article 285 the general framework of paternal responsibilities, in enshrining equality in the competency of both parents in the custody and governance of their non-emancipated minor children, with the purpose of educating, defending and feeding them. The same law states in article 282, paragraph 2, and in article 284, paragraph 2, the duty of the parents to represent the children and to administer their property in the context of parental power.

222. When the parents cease to comply with their duties to their minor children, the law envisages that they may be fined, or imprisoned (articles 3 and 4 of the Law on the Jurisdictional Organisation of Minors), and also that parental power may be taken away from them.

223. In terms of the legislation in force, the paternal responsibilities mentioned above extend to tutors and foster-parents. With regard to tutors, the practice of certain juridical acts requires prior authorisation by the Juvenal Court I under the terms of article 348 of the Family Law. Also with regard to responsibility for the administration of property, Article 349 establishes that a regime for administering the property of the minor will be instituted when the parents have been excluded, inhibited or suspended from administering all the property or when the responsibly body do appoint the tutor entrusts, in whole or in part, the administration of the property of the minor to somebody else.

224. From 2009 to 2016 the guardianship and administration of property of 2,736 minors was accepted and maintenance was fixed for 17,654 minors. Graph 5 shows the number of actions for maintenance judged per year.

Graph 5  
**No of maintenance actions fixed per year**

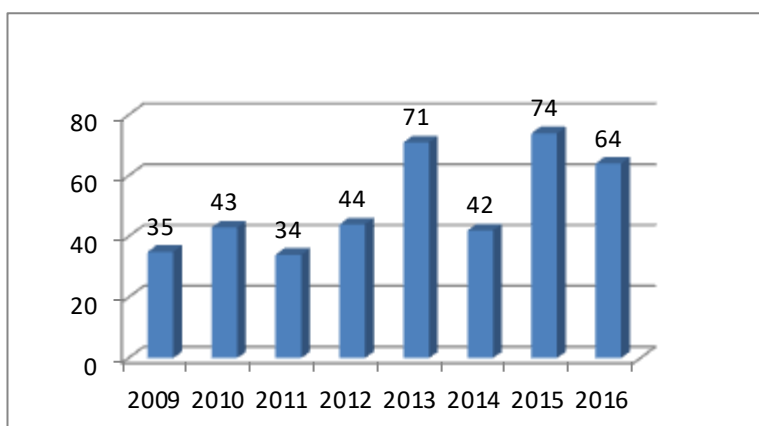


Source: Supreme Court, 2016.

**F. Adoption (article 21)**

- 225. The Family Law establishes that adoption should be decreed by a competent court.
- 226. The effect of adoption is that the child takes the identity of the adoptive family and, from the legal point of view, cuts all ties with the biological family.
- 227. Article 391 of the Family Law establishes that adoption may only be decreed when it shows concrete advantages for the adopted child, does not put at risk the relations and interests of other children of the adopter, and it is found that the adopter and family show capacities for integration and, in exceptional cases, is preceded by a minimum period of six months adaptation, in which the adopted child passes gradually into the care of the adopter and begins his/her integration into the family. The same law, in article 392, determines intervention by the Social Welfare Services in the adoption process.
- 228. The Law on the Jurisdictional Organisation of Minors defines the procedures to be followed in adoption, which are in accordance with the Family Law and the Law on the Promotion and Protection of Children’s Rights.
- 229. In the 2009–2016 period, 883 adoption cases were handled in courts across the country. Sentences or dispatches were passed in 517 cases. Despite oscillations, there has been an increase in adoption cases, from 35 in 2009 to 64 in 2016. The number of adoption cases per year, with the sentences, can be seen in graph 6.

Graph 6  
**Adoption cases processed in court with the sentence**



Source: Supreme Court, 2016.

- 230. For all children adopted, tutored or placed in foster families, the Social Welfare Services guarantees the follow up.

## **G. Abuse and negligence including physical and psychological recovery and social reintegration (articles 16 and 27)**

231. The Constitution enshrines the rights of children to full protection. Preventing negligence towards children, whether in the family or in public spaces, takes place in the context of the rights to life, to protection, to survival, and not to be submitted to abuse and ill-treatment, as well as in the context of paternal responsibilities.

232. The Law on the Promotion and Protection of Children's Rights establishes in Article 64 the responsibility of the State in taking legislative and administrative measures, including sanctions, to protect children against any form of abuse, or negligent treatment by parents, tutors, foster family, legal representatives or third parties.

233. The protection of children against abuse and negligence paid attention in the revised Penal Code, mentioned in this report. Thus Article 211 decrees prison terms, without prejudice for penalties for the crime of private imprisonment, for those who use violence to force, or who induce by fraud, persons under 21 years of age to abandon the home of their parents or tutors, or of those charged with looking after them. If the minor is under 17 years of age, the penalty is aggravated to the maximum prison term.

234. Article 213 states that those who expose or abandon any minor under seven years old in any place that is not a public establishment, intended to receive such children, shall be sentenced to imprisonment and the corresponding fine. If the exposure is in a desolate place, the punishment shall be a prison term of between 2 and 8 years. In cases where the crime is committed by a parent or grandparent, an adopter, or a guardian, the penalty is aggravated to the maximum fine, and if the exposure endangers the life of the minor or results in injury or death, the penalty shall be 8 to 10 years imprisonment.

235. Article 215 establishes that anyone who, being in charge of bringing up or educating a child under seven years of age, delivers him/her to a public establishment, or to another person, without the consent of whoever entrusted the minor to him/her or of the competent authority, shall be sentenced to a prison term of between one month and one year and the corresponding fine. Article 216 stipulates a sentence of a fine of between a month and a year for parents who, although they have means to support their children, leave them fraudulently in a public establishment.

236. The responsibility for protecting abandoned children also extends to other citizens. Article 214 of the Law Revising the Penal Code fixes a prison term of between one month and 2 years for anyone who finds an exposed new-born, or an abandoned child under 12 years of age, in a deserted place, and does not take the child to the competent authority.

## **VII. Health and basic welfare (articles 6, 18, paragraphs 3, 23, 24, 26, 27, paragraphs 1 to 3 and 33)**

### **A. Survival and development (article 6)**

237. The Constitution of the Republic establishes in Article 40 the right of all citizens to life and to physical and moral integrity.

238. At programmatic level, the Government's Five Year Programme, and the PNAC include actions intended to ensure the conditions necessary for child survival and development. Information on the activities undertaken and the progress attained can be seen throughout the present report.

### **B. Health and health services (article 24)**

239. The Constitution states that all citizens have the right to medical and health care.

240. The Law on the Promotion and Protection of Children's Rights establishes in Articles 12 and 13 the right of children to protection of their lives and health. Law 2/77, of

19 January, establishes in Article 3 that all actions of a prophylactic nature are free of charge. According to Article 5, paragraph 1, line e) of Law 4/87, of 19 January, taken with the provision of Article 1, paragraph 2, of the same law, hospitalisation in health units, and medical and surgical treatment for children under 18 years old, including preventive health care, diagnostic examinations, outpatient services, and acquisition of medicines is free.

241. In order to expand access by the public, and particular by children, to good quality health care, 72 new health units were built throughout the country between 2009 and 2016.

242. Expansion resulted in an increased proportion of population who have to walk for less than 30 minutes to reach a health unit from 66.4% in 2008/9 to 68.3% in 2014/15. Likewise they increased the use of health services, which rose from 65.2% to 67.4%. Access is high for the population living in the urban areas (76.7%) in comparison with the rural areas (64.4%) (IOF, 2014/2015).

243. However, challenges remain both in expanding the health network, and in improving the quality of services.

### **B.1. Maternal and infant mortality**

244. Between 2003 and 2011, mortality among children under five years of age declined by about 37% (from 153 to 97 for every 1,000 live births) {IDS 2003; IDS 2011}.

245. The Under Five Mortality Rate (TMM5) fell quickly in rural than in urban areas, as a result of improved access to health, education, water, sanitation and basic foodstuffs.

246. Since about 30% of the deaths among children under five years old (IDS 2011) occur in the neo-natal period, strategies were drawn up to increase the coverage of institutional births, namely the expansion of the health network and of the waiting houses for expectant mothers, as well as the introduction of motorcycle transport in the communities. The prevention of neonatal sepsis was introduced through the use of chlorhexidine in the maternity wards and the communities by the traditional midwives. A further important action was the institutionalisation of the National Committee for the Assessment of Maternal, Perinatal and Neo-natal Deaths.

247. The trend of the maternal mortality ratio shows a substantial reduction from about 1,000 per 100,000 live births, at the start of the 1990s, to 408 maternal deaths per 100,000 live births in 2011. The improvement in the quality of access to health services, particularly to family planning and ante-natal care, contributed to the reduction.

248. However, maternal mortality remained stationary at 408 per 100,000 live births between 2003 and 2011 (IDS). Contraception prevalence increased from 11% in 2011 (IDS) to 25% in 2015 (IMASIDA).

249. Coverage of the first ante-natal consultation increased from 85% in 2003 to 91% in 2011 and 93% in 2015 (IDS 2003 and 2011 and IMASIDA 2015). The percentage of women who attended 4 or more consultations, although it increased from 50.6% in 2011 to 55% in 2015, remains relatively low.

250. Anti-tetanus vaccination coverage among women has been improving. The proportion of women who received 2 or more doses of anti-tetanus vaccine is growing and rose from 57% in 2003 to 67% in 2011 (IDS 2003 and 2011).

251. Coverage of at least 2 doses of anti-tetanus vaccine (VAT) improved, particularly among women of the rural areas and women who had never completed any level of schooling. Among the former VAT coverage increased from 54% in 2003 to 63% in 2011 while among the latter it increased from about 49% to 61.5%. In 2011 about 70% of pregnant women were vaccinated, 76.1% in the urban areas and 63% in the rural areas (IDS 2003 and 2011).

252. The coverage of institutional births rose from 47.6% in 2003 (IDS 2003) to 54.3% in 2011 (IDS 2011). The rate was 90.7% among women with secondary education or more, 56.9% among women with primary education and 39.6% among women with no level of education in 2011 (IDS 2011). In 2015, the coverage of institutional births reached 70.3% (IMASIDA 2015). It was 91% in the urban areas and 63% in the rural areas.

253. Several interventions were introduced in 2015, particularly at community level, in order to speed up the reduction in maternal and infant mortality. The community health workers now offered modern family planning methods and the traditional midwives used misoprostol to prevent post-partum haemorrhages and chlorhexidine to prevent neonatal sepsis. Also in 2016, 180 motorcycle ambulances were placed in the communities to help transport expectant mothers.

## **B.2. Endemic diseases**

254. Malaria remains one of the main public health problems and the top cause of mortality among children, accounting for 30%, followed by neonatal deaths (29%), HIV (10%), pneumonia and acute respiratory infections (10%), other infections (5%), malnutrition (4%) and meningitis (2%).

255. Malaria is responsible for about 60% of admissions in paediatric wards and its prevalence varies between 40% and 80% in children 2 to 9 years of age. About 20% of pregnant women are infected by the malaria parasite and women pregnant for the first time are the most affected, with a prevalence rate of 31%.

256. With the goal of reducing the prevalence of malaria, the Ministry of Health drew up the Strategic Plan of the National Programme for Preventing and Combatting Malaria 2012-2016 and has undertaken several actions, notably activities to raise awareness, home spraying and the distribution of mosquito nets treated with long lasting insecticide. According to the Survey on Indicators of Immunisation, Malaria and HIV the number of households who owned at least one treated mosquito net rose from 50% in 2011 to 66% in 2015 (IMASIDA, 2015).

257. Data from IMASIDA (2015) show that 53% of children slept under a treated mosquito net or in a house that had been sprayed. Although there was an increase of 5 percentage points in comparison with the data from IDS 2011, preventing and reducing the number of cases of malaria still constitutes a challenge. As for pregnant women, 58% of them slept under a treated net or in a sprayed house, which was an increase of 8 percentage points in comparison with IDS 2011. In 2006 malaria prophylaxis in pregnancy was begun nationally, which has reached ever larger numbers of pregnant women. The percentage of pregnant women who took at least the 2 recommended doses of TIP was 34% in 2015 (INSIDA) compared with 20% in 2011 (IDS).

258. According to the IOF, there has been an increase in the number of households using water from safe sources from 40.5% in 2008/9 to 50.9% in 2014/15.

259. The analysis by residential areas shows that the coverage of the water supply network in the rural areas increased from 30.57%, in 2008/9, to 36.1%, in 2014/15, and in the urban areas it rose from 64.7% to 82.5% in the same period.

260. As for safe sanitation, the proportion of population with access increased from 50.7% in 2008/2009 to 62.5% in 2014/15.<sup>7</sup> The analysis by residential areas shows that in rural areas the percentage of households without a toilet or who use the bush is 48.5% against 12.7% in the urban areas and this trend is a continuation of what was found in 2009.

## **B.3. Malnutrition**

261. In Mozambique about 43% of children under five years of age suffer from chronic malnutrition and this situation has not improved significantly in recent years. Data from the baseline study of the Technical Secretariat for Food and Nutritional Security (SETSAN) of 2013 show that the prevalence of chronic malnutrition has remained at the 43% found in the demographic and health survey of 2011, but with some alteration in prevalence at provincial level.

262. The main immediate causes of chronic malnutrition in Mozambique are inadequate consumption of nutrients and the high levels of infection. According to the Multi-Sector Action Plan for the Reduction of Chronic Malnutrition (PAMRDC) malaria and gastro-

<sup>7</sup> INE, IOF 2008/9 and 2014/15.

intestinal parasites affect half the population and the same percentage of women seen at ante-natal consultations have sexually transmissible diseases.

263. The underlying causes of chronic malnutrition are food insecurity, inadequate practices in caring for teenagers girls, mothers and children, as well as insufficient access to health, water and sanitation services.

264. As for complementary feeding, the IDS results showed that children aged from 6 to 23 months who were breastfed, 28% received food of four or more food groups, 44% had the minimum frequency of foodstuffs and 15% had the minimum frequency of food including at least four food groups. Among children who were not breastfed, 41% received food of four or more food groups and 31% received the minimum frequency of food, indicating that children aged 6-9 months need at least three main meals plus two snacks during the day to complement breast milk.

265. Although there was a reduction in the prevalence of acute malnutrition from 4% in 2008, in 2011 an increase was observed to 6% (IDS, 2011) and to 7% in 2013 (SETSAN, 2013).

266. The percentage of children under five years of age with low weight for their age tended to decline significantly from 18% in 2008 (MICS, 2008) and 15% in 2011 (IDS, 2011).

267. In 2010, the Government approved the Multi-Sector Action Plan for the Reduction of Chronic Malnutrition in Mozambique 2011–2015 (20). This Plan contains a package of activities/interventions with priority and sector strategic goals.

268. The International Code on Marketing of Breast-Milk Substitutes was reproduced and distributed nationally, and regular celebration of World Breastfeeding Week was implemented, with the goal of increasing the proportion of children fed with breast milk.

269. The baseline study undertaken by SETSAN in 2013 shows that 69% of new-born infants were fed from their mothers' breasts in the first hour after birth, and about 41% were exclusively breastfed in the first six months of life. Previous studies show that the percentage of children exclusively breastfed was 37% in 2008 (MICS, 2008) and 43% in 2011 (IDS, 2011). This proportion remains extremely low, and the target in PAMRDC is to increase exclusive breastfeeding in infants under six months of age for 70% in 2020.

270. The Basic Nutritional Package was approved, and primary level health workers were trained in using it. This package includes aspects referring to: breastfeeding, complementary feeding; supplementation with vitamin A and iron, regular consumption of iodated salt, nutritional vigilance, balanced household diet, care for sick and malnourished children.

271. Considering the situation of malnutrition and of Food Insecurity, the Ministry of Education and Human Development has been implementing since 2012 the School Feeding Programme through which children, in areas of food insecurity, benefit from a meal.

#### **B.4. Vaccination coverage**

272. The percentage of one year old children who are completely immunised underwent noteworthy improvements and reached 66% in total, 63.5% among girls and 68.1% among boys (IMASIDA, 2015).

273. As such, there are no longer any measles outbreaks. The last measles vaccination campaign took place in 2011. Supplementary vaccination activities occur during the children's health weeks, intended to reach children who might perhaps have been missed in the routine vaccination in the health units. In 2004 the vaccine against hepatitis B was added to the Expanded Vaccination Programme, and in 2008 the Hib vaccine (which protects against meningitis caused by haemophilus) was added, and in 2013 the PCV10 vaccine which protects against pneumonia. In 2015 three new vaccines were introduced, namely: the vaccine against rotavirus (which protects against diarrhoea), the IPV vaccine (injectable polio vaccine to strengthen prevention of poliomyelitis) and the second dose of the vaccine against measles.

274. Comparison of the data from the 2011 (IDS), with those from IMASIDA (2015) shows that nationally immunisation has made progress rising from 64.1% in 2011 to 66% in 2015.

#### **B.5. HIV and AIDS**

275. Mozambique faces a growing problem of vulnerable and orphaned children due to the high incidence of HIV/AIDS, among other factors.

276. The Government approved the National Strategic Plan of Prevention and Combatting AIDS, 2010–2014, which included the actions covered by the Plan to Accelerate Prevention approved in 2008.

277. According to Demographic and Health Survey (IDS) 2011, in general knowledge of methods of prevention is higher among men, with 79% of men aged 15 to 49 years stating that it is possible to prevent infection by AIDS through using condoms whenever having sexual relations, and 90% said the risk of infection can be reduced by having only one sexual partner.

278. One in every four men aged between 15 and 49 years said that they have had occasional sexual relations at some stage in their lives, but only 1/3 used a condom.

279. In the context of fight against AIDS, Law 12/2009, of 12 March, was approved and establishes the rights of people living with HIV and AIDS, and adopts the necessary measures for prevention, protection and treatment. In article 4, it establishes the rights to medical care, cohabitation and education, the inviolability of sexual, moral and psychological integrity, and to maintenance, among others. The same law grants special protection to children and adolescents living with HIV and AIDS in stating, in Article 5, the family and the community have the duty to ensure assistance and education, and only under exceptional circumstances are the children cared for in foster families.

280. The Law also, in Article 9, establishes the rights of children living with HIV and AIDS, in a situation of vulnerability, to education, to medical care, to respect for their HIV-positive condition, and to be accompanied by the state, guaranteeing their social insertion until they attain the age of majority.

281. In recent years, there has been progress in prevention, care and treatment. Indeed, the number of daily infections fell from 345 to 223 between 2009 and 2015, the number of people with access to Anti-retroviral Treatment (ARVT) increased from about 150,000 in 2009 to more than 800,000 in 2015 of whom 64,273 were children, corresponding to an increase of around 78% as compared of 2009. Likewise, there was a significant reduction in the rate of transmission of the virus from mother to child during pregnancy, birth and breastfeeding, from 24% in 2009 to 6.7% in 2015. This reduction was due to increased access to HIV testing services and to ARVT for pregnant women which, in 2015, reached 91% of HIV-positive pregnant women. However, the government remains concerned at the high levels of new infections despite the preventive actions undertaken by the various stakeholders.

282. Currently ARVT covers 937 health units, which is 65% of the health network. The programme to prevent vertical transmission covers a total of 1,288 health units, out of the existing 1,430, of which 926 health units implement option B+ (universal access to ARVT)

283. In this component, there are still some constraints related to lack of knowledge among the public about the need to take children for HIV testing, and the difficulty about taking decisions on the start of treatment.

#### **B.6. Reproductive health of adolescents**

284. The Adolescent and Youth Friendly Service was set up to improve access to health services for adolescents and youths. Initially it was created to prevent sexually transmitted infections, including HIV and AIDS, and soon passed on to dealing with sexual and reproductive health in general. In recent years, the SAAJ have begun to deal with the all-round health of this age group, looking also at other situations which endanger the lives of

adolescents and youths, such as the consumption of drugs and alcohol, and the development of healthy life style. There are 673 SAAs of which 112 offer anti-retroviral treatment.

285. This programme is multi-sector in character, with the Ministries of Education and Human Development, of Youth and Sport, and of Health, developing the same activities among this age group, framed in Biz Generation.

286. Comparison of the data from IMASIDA 2015 and from the IDS 2011 shows that among young people aged between 15 and 24 years, comprehensive knowledge about HIV increased among women from 30% in 2011 to 31% in 2015 and among men it fell from 52% to 30% in the same period.

287. According to IDS 2011, 24.5% of young women (15-24 years old) and teenagers had their first sexual relation before they were 15 years old, compared with 16.8% of boys. In this group, 3% of the girls and 25% of the boys had two or more sexual partners in the last 12 months, but only 38% of the girls used a condom.

288. The IDS of 2011, showed that 14% of women between 20 and 24 years of age had married before they were 15 years old and 48% before they were 18 years old, which is a reduction in comparison with 2008 when it was 51.8% (MICS, 2008).

289. Despite the reduction, the prevalence of child marriages is still one of the major concerns and in this context, the Government approved the National Strategy to Prevent and Combat Child Marriages, 2016-2019, seeking to create a favourable environment for the reduction and gradual elimination of child marriages. The strategy, to be implemented by the various stakeholders includes actions in (1) Communication and social mobilisation; (2) Access to quality education and retention; (3) Empowerment of girls; (4) Sexual and reproductive health; (5) Mitigation and rehabilitation; (6) Legal framework; (7) Research and monitoring; and (8) Multi-sector coordination and advocacy.

290. There still remains the challenge of strengthening actions for capacity building and awareness of children, families and community leaders about reproductive health, and to remove social practices damaging to children.

#### **B.7. Environment**

291. In this area, urbanisation plans were approved and implemented for cities, towns and districts with the purpose of correctly locating social facilities in order to guarantee a healthy environment.

292. Audits were held and monitoring and assessment of the environmental impacts of various projects under implementation in the country. The Cleaner Production Centre was also set up, the goals of which are to define acceptable environmental standards and, based on these, to encourage industries to introduce clean technologies, thus guaranteeing public health.

293. Special attention was likewise given to providing basic conditions for communities, and particularly for children, notably clean drinking water and sanitation, and campaigns to raise the awareness of communities about drinking treated water, sanitation and the preservation of nature.

#### **C. Children with disabilities (article 23)**

294. Article 37 of the Constitution of the Republic of Mozambique states that “citizens with disabilities enjoy fully the rights enshrined in the Constitution and are subject to the same duties, except exercising or complying with those for which, because of their disability, they are incapacitated”. Likewise, Article 12, paragraph 2, states that “children, particularly orphans, children with disabilities and abandoned children, are protected by the family, society and the State against any form of discrimination, ill-treatment and the abusive exercise of authority in the family and elsewhere”.

295. The Policy on People with Disabilities and Strategy of its Implementation seeks to remove the barriers which prevent disabled people from fully enjoying their rights. In 2012



the second Plan was approved (2012–2019) which includes actions to be implemented by State institutions, by civil society and by the private sector.

296. The Government has also established, in the area of mental health, programmes to prevent and treat mental disturbances among children. To this end, the paediatric services contain a sector for mental development. Likewise the school health programme advocates early diagnosis of diseases such as epilepsy and mental handicap, in order to treat them. However, these services and programmes are still limited. There are prospects for extending the school health programme and the care for children with delayed development.

297. The Government has adopted as a strategy of inclusive education through which these children are integrated into normal schools. This strategy has resulted in integrating into education 116,140 children with special needs educational.

298. There are three special schools in the country for people with mental deficiencies and for deaf people in Maputo and Beira cities, 1 institute for the visually impaired, also in Beira, and three regional centers in Nampula, Manica and Gaza provinces which annually cater for about 600 pupils. Also, there is a school for deaf children belonging to the Association of Disabled People of Mozambique and a school for children with mental disabilities, belonging to CERCI in Maputo City.

299. In order to ensure adequate care in the schools for children with special education needs, the Ministry of Education has trained 3,455 teachers in teaching strategies and methodologies for children with special education needs, sign language and Braille.

300. However, despite the efforts made for inclusive education, challenges remain regarding capacity building for teachers, and making adequate material available for the children's learning.

301. Also to ensure caring for the needs of children with disabilities, social welfare, health and other staff have been trained in sign language and other matters linked to disability.

302. Likewise, recreational centres have been set up for people with disabilities, but they have proved insufficient to meet the needs of the communities.

303. In a joint effort between the Government and the associations of people with disabilities, a sports federation, a Para-Olympic Committee and 12 sports grounds were set up.

304. To ensure accessibility for people with disabilities, the Government approved Decree 53/2008, of 30 December, that approves Regulations for Building and Maintaining the Technical Provisions of Accessibility, Circulation and Use of the Systems of Public Services for People with Disabilities or with Limited Mobility, Technical Specifications and Use of the International Symbol.

305. Efforts have indeed been made to create conditions of access, notably the construction of ramps and of adapted bathrooms. As a result, new buildings already include in their design access ramps and for some old buildings, ramps have been adapted. However, challenges remain in adapting buildings and in the supervision and monitoring of construction and rehabilitation work.

#### **D. Social security and child care services and institutions (articles 18 - paragraph 3, 26)**

306. Poverty affects a high percentage of the population, which contributes to increased antisocial behaviour, begging and other forms of social exclusion.

307. In the field of Social Welfare, assistance, support for and the social insertion of the needy groups of the population, especially children, people with disabilities, and the elderly, among others, in a situation of vulnerability, constitutes one of the main objectives in this area.

308. In this context, Law 4/2007, of 7 February, was passed, on Social Protection and the Social Protection Strategy which establishes a structured social protection system.

#### **Children in a Situation of vulnerability and deprived of a family environment**

309. In defence of the principle of respect for the best interests of the child, the Law on the Promotion and Protection of Children's Rights and other instruments defines the principle of Non-Institutionalisation. These instruments prioritise family and community reinsertion, through actions to prevent abandonment, socio-economic support for families and communities, based on specific programmes and projects such as income generation, professional training and community development, among others.

310. They also establish that a child deprived of the family environment or who, in his/her best interests, could not remain integrated in his/her natural family, has the right to alternative protection and special assistance on the part of the State, in terms fixed by law.

311. In these cases, actions of family location and reunification are undertaken, and when this proves impossible, priority is given to integration in foster families. Placement in institutions is the last resort. The information on family reunification may be seen in the chapter about family environment and alternative care.

312. Over the years, care for children in orphanages and children's homes has undergone oscillations. In 2009, 35.620 children were cared for in the children's homes and 2,920 in the orphanages, while in 2016, 28.669 children were cared for in the children's homes and 1,980 in the orphanages. In these centres, the children benefit from education, professional training, meals and health care, among others.

Table 5

#### **Care for children in difficult circumstances**

<i>Indicators</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
No. of children's homes	113	100	115	82	88	97	117	92
No. of children cared for	35.620	24.339	29.655	24.171	34.966	33.213	35.590	28.669
No. of orphanages	37	38	23	23	18	19	20	19
No. of children cared for	2.920	2.537	1.230	2.403	1.899	2.078	2.033	1.980

*Source:* MGCAS, 2016.

313. As has been mentioned in this report, priority is given to family reunification and integration into foster families. In this context, care in open centres is a priority that undertake educational and recreational activities.

## **VIII. Education, vocational training and guidance (articles 11 and 12)**

314. The Constitution and various legislation in force establish that education is a right and duty of every citizen and that the State promotes the extension of education to continual professional training and equality of access of all citizens.

315. In this framework, basic education is granted to all citizens through the gradual introduction of compulsory education and access to professional training.

316. The right to education is expressed through the National Education System, the essential principles of which are contained in Law no. 6/92, of 6 May which enshrines the areas of education: pre-school education, school education and education outside school.

### **A. Pre-school education**

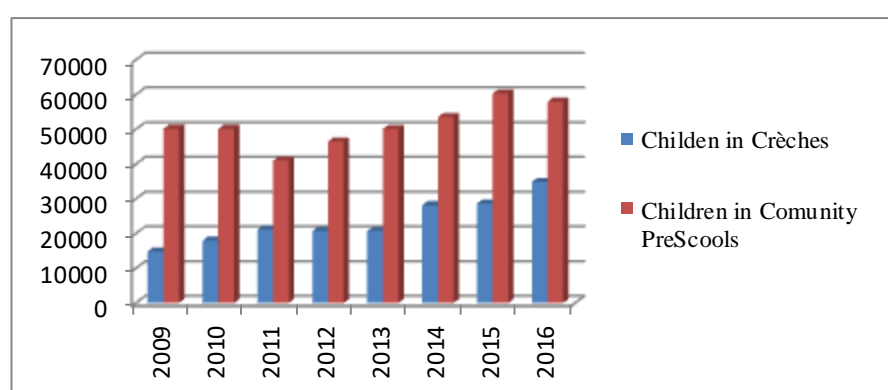
317. Pre-school education seeks the all-round and harmonious development of the child, above all intellectual, moral and social capacities and psychomotor skills.

318. Pre-school education takes place in kinder garden for children under 6 years of age. It is the responsibility of the MGCAS, together with the Education and Health Ministries, to define the general norms of pre-school education, to support and monitor compliance with them, and to define the criteria and norms for the opening, operation and closure of pre-school establishments.

319. There stands out the approval by the Council of Ministers of the Strategy for the All-round Development of Children of Pre-School Age and the start of implementation of the pilot project with World Bank funding.

320. During the period under analysis, there was an increase in the number of public and private kinder garden from 181, in 2009, to 436 in 2016, and of the number of community preschools from 608 to 741. The number of children attending the public, private and community preschools from 63,811 in 2009 to 91,911 in 2016. The graph below shows the evolution of the crèches.

Graph 5  
**Children cared for in the crèches**



Source: MGCAS, 2016.

321. Increasing the coverage of the crèches and the training of kindergarten child educators are a challenge.

## B. School Education

322. To expand access, in addition to building new educational facilities, various activities were undertaken between 2009 and 2016, notably the training and placement of new teachers and the provision of school material, particularly text books and manuals for teachers, improvements in the internal effectiveness of the system to increase the capacity to admit new pupils, the use of distance learning as an alternative to expand the access education, the resort to literacy classes for young people and adults as an activity that complements formal education, contributing to reducing illiteracy and poverty. Other complementary measures were also undertaken such as granting scholarships to the neediest pupils, exempting the pupils without economic capacity from school fees, particularly in areas where there is a high incidence of poverty.

323. In public primary education the school network underwent substantial expansion. The number of EP1 schools grew from 10,027, in 2009, to 12,527 in 2016. In EP2 the number of schools grew from 2,577 in 2009 to 7,102 in 2016.

324. The number of pupils to each EP1 teacher during the period improved from an average of 69 in 2009 to 62 pupils per teacher in 2016. This relative improvement was the result of recruiting new teachers for EP1, which allowed a reduction in the number of teachers without educational training.

325. Between 2009 and 2016, in Primary Education (1st to 7th grades) there was a reduction in the gross enrolment rate (TBE), from 118.5% to 116.2%. The Net Enrolment

Rate at the age of 6 years in 1st grade reached 85.9%, (in increase of 18.6% compared with 2009), and was 85.1% for girls. In absolute terms, the number of primary school pupils rose from about 4.3 million in 2009 to 5.1 million in 2016. Of these about 2,450,000 were girls, equivalent to 48.1%.

326. The net rates continued to grow, meaning that each year more pupils are attending the educational level that corresponds to their age group, due to the success of the campaigns promoted, namely: (i) campaign to raise awareness among communities for children to enter school at the right age; (ii) birth registration campaigns; and (iii) extension of the enrolment period for 1st grade pupils.

327. The Primary Education gross finishing rate recorded a decline, falling from 48% in 2009 to 36.9% in 2016.

328. There was a noteworthy reduction in gender disparities in primary education. The proportion of girls in the total number of pupils rose from 47.2% % in 2009 to 4.8 % in 2016. That is, gender parity in primary education was 0.91 in 2016, compared with 0.89 observed in 2009.

329. But pregnancy in adolescence remains a challenge, as does strengthening measures to prevent pregnancy and protect girls to ensure that they stay at school.

330. The government has worked to establish conditions and spaces in schools to attend children who need special care. In this group, should be mentioned the presence of children with special educational needs and orphaned and vulnerable children.

331. In the framework of expanding the component of social protection, through the programme of Direct Support to Schools (ADE), a total of 45 selected districts across the country are covered, focusing on orphaned and vulnerable children in the context of attendance of children with special educational needs; three Inclusive Education Resource Centres have been built and equipped. They are oriented towards the primary and secondary levels, covering training and professional, capacity building, diagnostic services and orientation, and production of materials, mobilisation and raising community awareness, among others.

332. Accepting the need to improve the quality of education, the Government has continued its interventions in the triangle formed by three indissociably interlinked factors – the curriculum, the teacher and the means of education, particularly students books and teachers' manuals.

333. In order to improve levels of care for school age children, particularly to encourage girls to go to school, the Government has prioritised teacher training. This measure has meant that the number of teachers in EP1 rose from 23,999 in 2009 to 39,517 in 2016.

334. Exemption for enrolment fees to entry into primary education is one of the major measures that the Government took to allow all children to have access to school. This measure is complemented with the free distribution of school books to all primary school students.

335. One of the challenges in education is putting desks in schools for all students. In this context, the Ministry of Education and Human Development launched a campaign called "Take the Children off the Floor" which has resulted in the acquisition of more desks.

336. Daytime secondary education, particularly the 1st cycle, has recorded growth because of the pressure exerted by the growth of primary education. The number of schools teaching this level rose from 312 in 2009 to 703 in 2016 and the number of pupils increased from 426,000 in 2009 to 794,000 in 2016. This growth is one of the greatest challenges Mozambique faces, because it still does not have the conditions and sufficient resources to meet the demand.

337. Seeking to capitalise on distance learning to expand access to secondary education, this programme has been expanded to the entire country, reaching in 2016, 31,114 pupils of 8th to 10th grade, of whom 15,558 are women.

338. New literacy programmes were developed and the respective books produced. The literacy teaching calendar and the times of the classes were negotiated in a flexible way with those interested, thus combining their productive needs with learning.

339. The literacy and adult education programmes allow the acquisition of reading, writing and mathematical skills that are relevant in solving day-to-day problems, and the development of life skills that are relevant for the individual, the family and the community and which result in better care for children's needs.

### **C. Activities outside of school**

340. The Youth in Action Programme was implemented. This is a multi-sector, community based programme, which involves the Provincial Directorates of Youth and Sport, of Education and Culture, and of Health.

341. In the centres caring for children in difficult circumstances, vocational and pre-professional training actions are undertaken which have benefitted about 30,000 children

342. Likewise, in the community committees, children benefit from training in agricultural techniques, carpentry and metalwork, among other activities.

### **D. Leisure, recreational, cultural and artistic activities (article 31)**

#### **D.1. Healthy Occupation of free time**

343. Healthy occupation of time and cultural and sporting activities take place permanently, in the centres for children under difficult circumstances and in the communities.

344. The Ministry of Sport and Youth promotes sports, namely child and juvenile championships, known as BEBECs, which are part of the "Mozambique in Movement" Programme, involving children aged between 8 and 14 years throughout the country.

345. The child and juvenile sports championships occur generally during the school holidays. Their highest point is the national championship with the participation of pupils from all the provinces.

346. Youth Camps and youth interchanges were held, and 3 editions of exhibitions by young creators. Likewise cultural festivals are held at all levels involving children and adults.

#### **D.2. Environmental education**

347. In this area there stands out the inclusion of environmental matters in formal education.

348. As for non-formal education, there stands out the promotion of environmental clubs in the schools through the integration of contents about the environment in school programmes, holding extra-curricular activities such as cleaning campaigns, the creation of green spaces, the production of a school newspaper and promotion of cultural activities.

349. Alongside these actions, the Ministry of Land, Environment and Rural Development (MITADER) produces educational materials aimed at children on current matters that deserve particular attention, for example: floods, erosion, bush fires and the environment in general.

350. Also worthy of mention are the campaigns to plant trees in the schools and communities, under the slogan: "one student, one plant".

#### **D.3. Culture**

351. Culture has been fully promoted through festivals and literary competitions, in order to protect and value national cultural diversity.

352. The Bilingual Education Programme is under implementation through which 92,105 children in 744 public and community schools, in all the provinces, are benefitting from classes given in the local languages. In bilingual education, the classes are taught in 16 national languages by 1,687 teachers trained.

## IX. Special protection measures (articles 22, 30, 32, 33, 35, 36, 37 (b) to (d) and 40)

### A. Refugee children (article 22)

353. Mozambique receives undocumented migrants and refugees, including children.

354. Protection of the rights of foreign children to a name and a nationality is expressed clearly in the text of the Constitution. Furthermore, Mozambique has acceded to the 1951 Convention on the Status of Refugees, the Convention of the AU Governing the Specific Aspects of Refugee Problems in Africa and the Additional Protocol to the Geneva Convention on the Status of Refugees.

355. To implement these treaties as well as the constitutional precepts on refugees, the National Parliament in 1991 approved the Law 21/91, which enshrines adequate procedural mechanisms for guiding the granting of refugee status.

356. The Government set up the National Refugee Support Institute (INAR), through Decree 51/2003, of 24 December, subordinate to the Ministry of Foreign Affairs and Cooperation, with the purpose of ensuring the rights of refugees, including the access of refugee children to basic social services, protection, leisure and recreation.

357. There are urban refugees in the country, who are self-sufficient and who merely receive legal assistance from INAR and there are refugees who live in the Marratane Refugee Centre, in Nampula province, where they receive material and legal assistance from INAR, the UNHCR and some NGOs.

358. The Marratane Refugee Centre has a transit centre which accommodates recently arrived asylum seekers. It possesses bathrooms with locks divided by sex. After they pass through screening, they are given a kit of building materials so that they can integrate themselves into the community. In the community, each family possesses private bathrooms.

359. The country is sheltering 24,340 asylum seekers, of whom 11,834 are living in the Marratane Centre.

360. Of the refugees, 7,267 are children aged between 0–17 years throughout the country, of whom 3,515 are girls and 3,752 are boys.

361. In Marratane there are 4,361 children, of whom 2,100 are girls and 2,261 are boys. The table below indicates the number of child refugees in the country and where they come from. Table 5 shows the number of child refugees by countries and age groups.

Table 5  
Refugee children in Mozambique by countries of origin

Countries of Origin	Girls		Boys		Total
	0-4 Years	5-17 Years	0-4 Years	5-17 Years	
Burundi	377	688	410	770	2 245
Democratic Republic of Congo	650	1 264	688	1 336	3 938
Angola	0	0	0	1	1
Ethiopia	1	0	1	0	2
Guinea	1	0	1	0	2
Rwanda	117	256	127	256	756

<i>Countries of Origin</i>	<i>Girls</i>		<i>Boys</i>		<i>Total</i>
	<i>0-4 Years</i>	<i>5-17 Years</i>	<i>0-4 Years</i>	<i>5-17 Years</i>	<i>0-17 Years</i>
Somalia	115	40	107	50	312
Sudan	4	0	0	0	4
Uganda	1	1	2	3	7
<b>Total by age</b>	<b>1 265</b>	<b>2 249</b>	<b>1 336</b>	<b>2 416</b>	<b>7 266</b>

*Source:* INAR, 2016.

362. In the Marratane Centre, there are 157 unaccompanied children, 103 girls and 54 boys, integrated into foster families from the same region and assisted by INAR.

363. In the field of education, there is a Complete Primary school of the National Education System, attended by 256 children from the centre and the surrounding communities. This school also teaches the curricula of the countries of origin of the refugees. A further 40 attend various schools in the community.

364. There is a health centre and, police station in the refugee centre which caters for the residents of the centre and the surrounding population.

365. In the area of recreation and sport, the children and youths hold sporting and cultural competitions in their free time and on festive occasions, with the participation of the children from the neighbouring communities.

366. During the period of analysis, there were 5 cases of violence against children, one of them a boy and 4 girls. The competent authorities dealt with these cases.

367. 238 awareness debates about children's rights have taken place, including on the protection of children against violence

## **B. Children living or working on the streets (article 26)**

368. Because of the vulnerability caused by orphan hood, violence, negligence and family instability, children are led to abandon their homes and live in the street. The phenomenon of street children is mainly urban and is found in the cities. It is estimated that in Maputo city there are about 400 children and youths living in the streets.

369. The greatest focus is on prevention through including vulnerable families in social protection programmes, the provision of services and capacity building, and the provision of information about parental and family skills. Institutionalisation in a centre is a last resort.

## **C. Children in Situations of Exploitation**

### **C.1. Economic Exploitation, Including Child Labour (article 32)**

370. The Constitution expressly enshrines this ban in Article 121, paragraph 4, which states the following: "*Work by children is forbidden whether they are of compulsory school age or of any other age*".

371. Mozambique is among the member states of the ILO who have ratified all eight fundamental conventions of the ILO, including Conventions on the Minimum Age for Admission to Employment and on the Worst Forms of Child Labour.

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

373. The Labour Law no. 23/2007, of 1 August, fixes the minimum age for admission to employment at 18 years. However, the Law opens some exceptions in establishing, in Articles 23 to 27, that children of between 15 and 18 years of age may work, under the condition that their employer provides for their education and professional training, and ensures that the working conditions are not damaging to their physical and moral

development. For children under 18 years of age, the maximum work load per week is 38 hours and the maximum daily work load is 7 hours, and they may not work in occupations which subject them to diseases, which are dangerous, or which demand major physical effort.

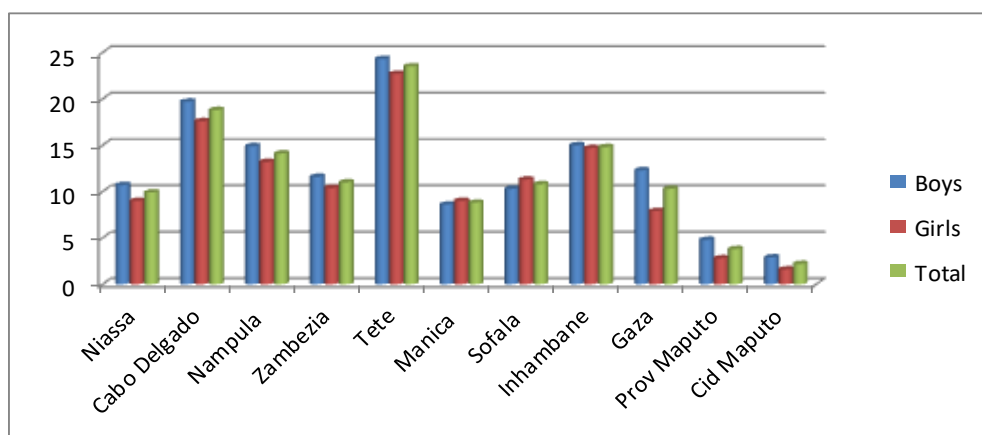
374. As for minors between 12 and 15 years old, they may work under special conditions, authorised jointly by the Ministries of Labour, Health and Education.

375. Despite this ban, there have been reports and occurrences of cases of exploitation of child labour in the informal sector and in commercial agriculture, but whenever this happens the authorities take the due measures against the offenders.

376. With regard to child labour (employment of children aged between 5 and 17 years) the IOF data indicate an employment rate of 12.6% in the 4th quarter of 2016. Analysing the data by sex, one notes that there is more child labour among boys (13.3%) than among girls (11.9%) (INE, 2015).

377. The disaggregation of the child labour rate by provinces, shown in Graph 6, allows us to note that Tete and Cabo Delgado provinces have the highest rates with 23.5% and 18.8%, respectively. The lowest rates are in Maputo City (2.2%) and Maputo Province (3.8%).

Graph 6  
**Child labour rate by Province**



Source: IOF, 2014/15.

378. The report of the Study on Child Labour and its Impact on Mozambique (2014–2016), drawn up by the Ministry of Labour in partnership with the Eduardo Mondlane University, shows that trade, family agriculture, fishing, hunting, informal mining and domestic labour are the areas with the highest incidence of the exploitation of child labour. The Study also indicates the economic, socio-cultural and natural factors that contribute to the phenomenon.

379. Actions have been taken to publicise the instruments that protect children from child labour and to raise the awareness of families, communities and companies. The social protection programmes, mentioned in previous chapters of this report, benefit vulnerable households so as to prevent the involvement of children in child labour as well as to rescue those already involved.

380. Mozambique has joined the International Programme to Combat Child Labour (IPEC) and in this framework the Red Card Campaign against the Worst Forms of Child Labour is under way throughout the country in order to inform society and raise its awareness about this evil.

381. To speed up the actions undertaken to prevent and fight against child labour, the Ministry of Labour and Social Security has begun to draw up the National Plan of Action to Combat Child Labour and the list of jobs that are dangerous for children.



## **C.2. Drug abuse (article 28)**

382. Mozambique has adopted legislative, administrative, social and educational measures to prevent and fight against the illicit consumption of narcotics and addictive substances defined in the pertinent international treaties and to prevent the use of children in the production and illicit trafficking of such substances.

383. Thus, Law 3/97, of 13 March, the Law on the Prevention and Fight against Drugs, established the legal regime applicable to the trafficking in and consumption of narcotics, addictive substances, precursors or other substances with similar effects.

384. Law 6/99, of 2 February, regulates the access of minors to public places of nocturnal entertainment and to the consumption of alcohol and tobacco. Also in this framework, the Government drew up and approved the Regulations on the Sale and Consumption of Alcohol, seeking to strengthen the sale and damaging consumption of alcohol and protect the health of citizens, particularly children. These Regulations make it compulsory to observe the night-time timetable for sale in public places, and the placing on the labels of messages showing the damaging effects of alcohol.

385. To prevent the consumption of drugs, alcohol and tobacco several activities were undertaken in schools, communities and the media. However, cases are still registered of children consuming alcohol, tobacco and drugs.

386. The mental health sectors in the hospitals treat the affected children. Apart from detoxication, they provide psychological assistance. Later, those detoxified benefit from assistance and follow-up by the social welfare services.

387. Despite the efforts of the Government and of civil society in dealing with questions linked to drugs, ranging from drug production, to sales, trafficking and the treatment of victims of drug consumption, there are still cases of young people who take drugs, and international drug trafficking networks are active.

388. It is also a challenge to control the access of children to alcoholic drinks, because of their availability on the informal market.

## **C.3. Sexual exploitation and sexual abuse (article 27)**

389. The Law revising the Penal Code increased the penalties and considered various forms of sexual abuse. In Article 218, it fixed the penalty of 2 to 8 years imprisonment for anyone who commits the crime of rape, and when the victim is less than 12 years old, that is an aggravating factor and the crime is then punished with between 20 and 24 years imprisonment.

390. The same law established, in article 220, that any sex act with children under 16 years of age, which does not imply copulation, is punished with 2 to 8 years imprisonment.

391. Under article 22, aggravating factors that increase the penalties mentioned in the above paragraphs are when the agent of the crime is a parent, grandparent, adopter or brother of the victim, the tutor or trustee or exercises any form of authority over the or when the agent is the domestic servant of the victim or her family or when, because of his profession he has influence over the victim, or when the crime is committed by someone in the armed forces, the paramilitary forces, the police or private security.

392. In this area one should mention that actions have been undertaken in the communities and the media to raise awareness to prevent the sexual abuse and exploitation of children.

393. Furthermore, the medical assistance, legal, psychological and social support services, mentioned in the previous chapters of this report also care for child victims of sexual abuse and exploitation and their families as part of integrated care for victims of violence.

394. In addition, there has been systematic training of the police and health, education and social welfare staff to prevent sexual exploitation, abuse and violence against children and to provide assistance to the victims already mentioned in previous chapters of this report.

#### C.4. Sale, trafficking, kidnapping and abduction (article 35)

395. Mozambique has ratified the Optional Protocol of the United Nations to the Convention on the Rights of the Child concerning the Sale of Children, Child Prostitution and Child Pornography.

396. In domestic legislation, the Laws on Preventing and Combatting Trafficking in Persons, particularly women and children, the Revision of the Penal Code, already mentioned in the present report and the Law on Witnesses and Whistle Blowers, deal clearly with sale, trafficking, kidnapping and abduction.

397. Thus the Law Revising the Penal Code states in article 198 that anyone who recruits, transports, shelters, supplies or receives a person, under the pretext of employment, training or learning, for purposes of prostitution, forced labour or debt servitude shall be punished with 16 to 20 years imprisonment.

398. The same law, in Article 199, fixes the penalty of 20 to 24 years imprisonment for anyone, who, by means of violence, threats or any other means, kidnaps another person with the purpose of submitting him/her to extortion, to rape, to obtain a ransom, reward, to oblige the public authority or a third party to any act or omission, or to support any activity. Aggravating factors are, among other situations, if the kidnapping was preceded or accompanied by serious offenses to the physical integrity of the victim, torture or other cruel, degrading or inhuman treatment, when it is committed against a person who is defenceless because of his/her age, and when it is accompanied by a crime against sexual freedom.

399. It also fixes, in article 161, the penalty of 12 to 16 years imprisonment for anyone who holds, possesses or transports any internal or external human body parts or organs, blood or human body tissues in violation of the norms. Anyone who induces the agent to practice the acts mentioned in this paragraph with promises of success in private life or in business shall be punished with 15 to 20 years imprisonment.

400. In order to strengthen actions of prevention and combat, and to assist the victims, capacity building actions have been held for policemen, immigration officials, judges, attorneys, social welfare staff, staff of civil society organisations and community, traditional and religious leaders.

401. Actions were undertaken to publicise the legislation and to make the various stakeholders aware of the need to prevent trafficking. Information on the awareness raising actions can be seen in the chapter on general measures of implementation.

402. The cases of trafficking identified were dealt with in the justice system in the terms of the legislation in force. From 2009 to 2016, 63 cases were processed by the organs of the administration of justice, and in 38 cases charges were brought. In terms of geographical distribution, Zambézia and Tete recorded the largest number of cases, with 13 and 12 respectively (PGR, 2016).

403. The Government of Maputo province has a partnership agreement with the South African province of Mpumalanga. Among other questions the agreement deals with the protection of vulnerable groups, mainly children. A cross-border coordination group was set up including staff from the attorney's office, the police and social welfare from Mozambique and South Africa who work together to prevent the illegal departure of children from the country as well as on repatriation and reintegration.

404. At the Maguaza Centre, managed by the District Health, Women's Affairs and Social Welfare Services in Moamba district, Maputo province, 148 children were cared for, 82 of them boys and 66 girls, who were victims of trafficking, in a situation of illegal migration and repatriated. In addition, 120 children were reunited with their families. These children are accompanied by the Social Welfare Services, and assistance is provided in their families depending on need.

405. There is also a centre in Ressano Garcia belonging to the Congregation of Scalabrinian Sisters which provided multiple forms of assistance to 563 persons, including children, who were repatriated because they were in a situation of illegal migration.

406. The challenges in this area concern the need to continue building the capacity of the various stakeholders, to raise the awareness of communities, families and the children to prevent and combat trafficking and to provide assistance to the victims. It is also a challenge to strengthen the capacity of the institutions involved in combatting the phenomenon and in assisting and reintegrating the victims.

**C.5. Other forms of exploitation (article 36)**

407. The involvement of children begging in the urban centres was noted. The Government has undertaken actions to prevent and combat this phenomenon through expanding the basic social security programmes to families and children living in situations of vulnerability, already mentioned in previous chapters, to raise the awareness of families, communities, commercial establishments and other stakeholders and the approval of municipal by-laws with measures that allow intervention in the phenomenon.

**D. Children in conflict with the law and the administration of Justice (article 37b) to d) and article 40)**

408. In Mozambique, the Penal Code sets the minimum age of criminal responsibility at 16 years.

409. The Law on the Jurisdictional Organisation of Minors sets the parameters of assistance to minors in the field of criminal prevention, through the application of measures of protection, assistance or education, which are alternatives to the deprivation of freedom.

410. In the country there are not yet any institutions for attending children in conflict with the Law. As a result the action of the judicial authorities in handling minors in conflict with the law, who are below the age of criminal responsibility, remains admonition and reprimands, and holding the parents responsible. The children are restored to freedom and delivered to their families.

411. In order to develop a programme of prevention and recovery of children in conflict with the law, has begun implementation of a multi-sector programme seeking to prevent child delinquency and the development of programmes for the recovery of child offenders, through community programmes and the creation of institutions that have this as their vocation.

412. 1,333 cases concerned with criminal prevention were processed in the Minors' Tribunal and the specialist sections in the provincial and district law courts.

413. The Juvenile Recovery Centre in Maputo Province was set up and is functioning to attend to minors above the age of criminal responsibility.

414. Also in this area, the awareness of children, families and communities has been raised to prevent the phenomenon and to identify children at risk, supporting them so that they do not come into conflict with the law.

**Administration of juvenile justice and children deprived of freedom, including any forms of detention, imprisonment or custody**

415. As mentioned in the previous paragraphs, Mozambican legislation is making efforts to come more into conformity with international standards, through the legal reform under way.

416. Minors aged 16 to 18 years have reduced criminal responsibility: that is, they can only be sentenced to up to 8 years of imprisonment. In accordance with the Law on the Jurisdictional Organisation of Minors, children up to 16 years of age can only receive protection measures, including admonition, delivery to their parents, tutorship or guardianship, placement in a suitable family or in an educational establishment, and assistance from a medical-psychological institute.

**Children of imprisoned mothers**

417. As regards to the situation of women and girls in prison, including measures applicable to their children, it should be noted that in Mozambique women are imprisoned in establishments separate from men. By the nature of the female gender itself, the regime of these establishments is undertaken in accordance with the state of the woman, who merits special treatment in the case of pregnancy or when she has a child.

418. The law allows pregnant women or women with new-born children to benefit from all the care and treatment offered for free because the only right affecting them, apart from those envisaged in law, results from the deprivation of freedom.

**E. Children in armed conflicts (articles 38 and 39)**

419. As mentioned already, under Law no. 32/2009, of 25 November, on Military Service the involvement of children under the age of 18 in military acts is prohibited.

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