



Civil Society Supplementary Report on the Implementation of the African Charter on the Rights and Welfare of the Child in Mozambique

2015-2022



Abbreviations

<i>Abbreviations</i>	<i>Meaning</i>
ACNUR	United Nations Agency for Refugees
ACERWC	African Committee of Experts on the Rights and Welfare of the Child
ICCI	Integrated Care for Childhood Illnesses
ACRWC	African Charter on the Rights and Welfare of the Child
CEMOQE	Business Consulting
CRC	Convention on the Rights of the Child
CCPC	Community Child Protection Committee
NCCC	National Council for Child Care
NCFA	National Council to Fight AIDS
NHRC	National Human Rights Commission
OVC	Orphaned and Vulnerable Children
ACD	African Children's Day
SCDCPA	Strategy for the Comprehensive Development of Children in Pre-School Age
EP1	1 st Grade Primary Education
EP2	2 nd Grade Primary Education
ESDEM	Social, Demographic and Economic Statistics of Mozambique
DHS	Demographic Health Surveys
INATER	National Land Transport Institute
INE	National Statistics Institute
IRA	Acute Respiratory Infections
MEF	Ministry of Economy and Finance
MINEDH	Ministry of Education and Human Development
MITADER	Ministry of Land, Environment and Rural Development
MINT	Ministry of Interior
MJARC	Ministry of Justice, Constitutional and Religious Affairs
MISAU	Ministry of Health
MJD	Ministry of Youth and Sports
MGCAS	Ministry of Gender, Children and Social Action
UN	United Nations
SDG	Sustainable Development Goals
SB	State Budget

OCB	Grassroots Community Organization
IOM	International Organization for Migration
ILO	International Labour Organization
WHO	World Health Organization
NGO	Non-Governmental Organization
PAMRDC	Multi-sectorial Action Plan for the Reduction of Chronic Malnutrition
PARP	Action Plan for Poverty Reduction
ATP	Accelerated Treatment Program
EVP	Expanded Vaccination Program
PEE	Strategic Education Plan
PES	Economic Social Plan
PGR	Attorney General's Office
PNAC	National Action Plan for Children
SETSAN	Technical Secretariat for Food and Nutritional Security
SAAJ	Adolescent and Youth Friendly Health Service
TBE	Gross Schooling Rate
TLE	Net Schooling Rate
TMM5	Under 5 Mortality Rate
TMM	Maternal Mortality Rate
TMPF	Mother to Child Transmission
AU	African Union
UNDAF	United Nations Framework for Development Assistance
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
SNE	National Education System
ZIP	Pedagogical Influence Zone

Executive Summary

This report summarizes relevant aspects of the perceptions of different civil society organizations concerning the level of implementation of the African Charter on the Rights and Well-Being of the Child in Mozambique during the period 2015-2022. In designing the report, the General Measures of Implementation are discussed, emphasizing the prevalence of corruption, poverty and inequality, increasing budget allocation, child protection and recommending an active involvement of Civil Society, creation of mechanisms for greater transfer in the management of public properties and the need to design an annual pragmatic matrix for the celebrations of the African Children's Day. The document further describes the Definition of a child and the General Principles on non-discrimination, highlighting the best interests of the child, survival, development and child participation. It is suggested to revisit, in the Labour Law, the aspect on the minimum age (12 years) for employment, reinforce the role of the family and leadership on the negative impact of premature unions and encourage the creation of a subcommittee on the Rights of the Child in the CNDH, good food practices and children's parliament.

The document notes that no comprehensive data collection and record keeping system has been put in place. Moreover, the referred document defends the strengthening and continuation of the improvement of access and quality of education for all children. In fact, both access and quality are far from the children's level of satisfaction, as very low quality school materials and infrastructures prevail, and teachers with inadequate training. The gratuity referred to in article 8 of Law 18/2018 of December 28th does not cover all the kit necessary for compulsory schooling. To this end, it is recommended to include school supplies (notebooks, ballpoint pens, uniform and school pass) in the expenses provided for in number 02 of article 08 of Law 18/2018 of December 28th.

Many children with disabilities continue to be discriminated against in a variety of ways. There are no documented results produced by CREI. In this context, inclusive education still does not respond to the specific needs of children.

The report defines recommendations that focus on mass vaccination, access to medication, expansion of the health network, construction of resilient classrooms, training of educators and differentiated attention to children with special educational needs. Likewise, it is important to mention that in this document a debate was held on the interviewees' view regarding special protection measures on child labour; children in conflict under the Law; harmful traditional practices, sale, trafficking and abduction, children of mother prisoners and child responsibility. The report indicates that the legal framework is unclear on the prohibition of corporal punishment as a form of discipline for children. Ministerial policies, circulars or instructions and codes of conduct or discipline prohibiting the practice of corporal punishment in schools have

administrative effect only, without any criminal or civil liability for harm to children. The report raises concerns about the omission of harmful traditional practices derived from cultural customs such as circumcision.

In Mozambique, articulated inspection of cross-border trafficking is still weak. Internally, the response to cases of internal trafficking in children for different purposes is still low.

The situation of inmates imprisoned in jails in the provinces of Gaza, Inhambane and the central and northern regions of the country is not favourable since there is only one female prison located in the province of Maputo. The government does not provide figures for female prisoners who are in prison, nor does it indicate the number of children of mothers who are detained throughout the country.

The main recommendations of these indicators are: creation of a code of conduct for child protection, programs to provide support services to minors in conflict with the law, reinforcement of the service of refugee centers and protection of children against sale, trafficking, sexual exploitation and serving sentences in a community work regime for mothers in prison with children, providing statistical data on children of prisoner mothers throughout the country and the type of concrete assistance provided to this group of children.

The misuse of the Internet and digital technologies for the purposes of child sexual exploitation and abuse was analysed in this report and an investment in the safety and protection of children online was recommended.

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1. Introduction

1. Mozambique, a country on the Southeast African coast with a total area of 799.380 Km², has a population made up mostly of children. Out of a total of 27.909.798 inhabitants, 15.562.657 are children, of which 7.900.864 are girls and 7.661.793 are boys. The Mozambican population is predominantly rural and the population density is variable, being the highest in Maputo City with around 4139 inhabitants per Km² and the lowest in Niassa province with around 13 inhabitants per Km² (INE, 2017).

2. The Government of the Republic of Mozambique ratified the African Charter on the Rights and Welfare of the Child in July 1998 and the United Nations Convention on the Rights of the Child (CRC) and its optional protocols on the use of children as soldiers and the sale of children for prostitution and pornography and other means, reaffirming its commitment to progressively realize the rights of all Mozambican children.

3. In 2018, the Government of the Republic of Mozambique prepared the Fourth Periodic Report on the stage of implementation of the Convention on the Rights of the Child, approved by the Council of Ministers during the 26th Ordinary Session, held on 13th August 2019 and submitted to the African Union within the framework of Article 43 of the African Charter on the Rights and Welfare of the Child.

4. This Civil Society Organizations (CSO)¹, Report reflects the status of implementation of the African Charter on the Rights and Welfare of the Child in Mozambique in the light of the 4th Government Report and the Recommendations of the African Committee of Experts on Rights and Welfare of the Child (ACERWC).

5 The report covers the period from 2015 to 2022, (A period in which Mozambique's Child Welfare environment has been stifled by conflicts in Cabo Delgado where children are used as terrorists², climate change and natural disasters with references for cyclones³. It was prepared in accordance with the General Guidelines of the African Committee of Experts on the Rights and

¹ Organizations working in the area of child rights in Mozambique

² Karina Gomes (2021) As crianças-soldado de Cabo Delgado

<https://www.dw.com/pt-002/as-crian%C3%A7as-soldado-de-cabo-delgado/a-59385891> (Accessed at 1:00 p.m. on the 02/09/2023)

³ Cyclone Gombe: Impacto das mudanças climáticas nas mulheres e raparigas em Moçambique

<https://www.unicef.org/mozambique/historias/cyclone-gombe-impacto-das-mudan%C3%A7as-clim%C3%A1ticas-nas-mulheres-e-raparigas-em-mo%C3%A7ambique> (Accessed at 1:00 p.m. on the 02/09/2023)

Welfare of the Child, regarding form and content. For the preparation of this report, 03 members of the 3R Platform were committed, namely, Rede da Criança, ROSC and Rede CAME, with the facilitation of an external consultant.

6. As a methodology, an exploratory⁴ and descriptive research on the Rights and Well-Being of Children in Mozambique was adopted, taking into account the role of Civil Society (CS) in the implementation of the African Charter. A mixed approach (qualitative and quantitative) was preferred, bearing in mind that the study was intended, on the one hand, to have a real vision of the effects of Government policies and, on the other, a clear idea of its role in defending the rights of the child. [Legislation, social and administrative services, cultural aspects and practices, jurisdictional environment, the exercise of the right to participate (citizenship), freedom of expression and opinion, above all, by Civil Society and, in particular, by children]. Among the various primary sources of information, the Round Tables held via virtual and face-to-face contact with 42 CSOs (see the attached attendance list), between the 30th and 31st of January, as well as the comments and reports shared by these.

7. The Children's Report was prepared in parallel led by the children themselves and goes together separately⁵

⁴ Bibliographical references covering some theories and concepts, systematized by different authors, related to the Rights and Well-Being of the Child.

⁵ Appendix 3 - Children's Report

2. General Implementation Measures

Comment

6.1 Prevalence of corruption, poverty and inequality

We sympathize with the Committee's concern about the context in Mozambique, particularly the prevalence of corruption, poverty and inequality, as this is affecting the implementation of laws and policies that protect children's rights. However, we regret the ineffectiveness of the government's actions to promote these policies, which call into question the aspirations of African governments to accelerate the implementation of the 2040 Agenda for an Africa worthy of Children (Motto - "30 years after the adoption of the African Charter of Children's Rights and Welfare)⁶.

Recommendation:

- i. Actively involve Civil Society in concrete actions against corruption, poverty and inequality (incorporate in actions, listen and consider SC participations);
- ii. Create mechanisms that guarantee greater transparency in the management of public assets (Having a culture of accountability in periodic public debates, with all living organisms in society).

Comment

6.2 Increased budget allocation

The Government guarantees resources in the main instruments of annual economic management, namely the Economic and Social Plan (PES) and the State Budget (OE), allocating to sectors with a direct impact on the implementation of children's rights. However, in the period under review, mismanagement of funds persists. The issue of public budget allocation is a key issue that should receive the greatest attention from policy makers and responsible institutions (ROSC, 2016)⁷. The State Budget allocated to children through the social sectors responsible for the implementation of children's rights, although it has been increased in recent years, in some sectors such as education and social protection, remains far below what is necessary to ensure

⁶<https://www.unicef.org/guineabissau/pt/comunicados-de-imprensa/governo-da-guin%C3%A9-bissau-parceiros-crian%C3%A7as-e-jovens-celebram-o-dia> (Accessed at 4 pm on February 6, 2023)

⁷ROSC (2016). Implementation of the Convention on the Rights of the Child in Mozambique: An analysis of progress and challenges

that Mozambican children, especially the most vulnerable, have access to minimum quality social services.

Recommendation:

- i. Invest more in concrete actions for children (education and social protection, health) as a way of ensuring the sustainable development of children who are essential capital for achieving development;
- ii. Reiterating the creation of mechanisms that guarantee greater transparency in the management of public goods (having a culture of accountability in periodic public debates, with all living organisms in society).

Comment

6.3 Child protection

We are in line with government efforts to strengthen the child protection system, as well as training social workers to ensure child protection. We commend the drafting of the various laws taking into account the provisions of the CADBC and other international treaties on children, signed and ratified by Mozambique in order to ensure the protection of children's rights to survival, development, participation and the removal of practices that jeopardize and risk the well-being of the child.

Recommendation:

- i. Engaging Civil Society to streamline the child protection system and monitor the implementation of legal provisions approved for this purpose.

Comment

7. We appreciate the revision of the Penal Code through Law 35/2014, of 31st December, which penalizes negligence, violence and other forms of violation of the Rights of the Child; the list of dangerous jobs for children through Decree No. 68/2017, of December 1st; the new Social Action Policy through Resolution No. 46/2017 of April 2nd, by the Council of Ministers; the new National Basic Social Security Strategy 2016-2024.

Recommendation

Finalization of regulations for the Basic Law for the Protection of Children No. 7/2008

Involve Civil Society in the operationalization and monitoring of the regulation in order to guarantee its effectiveness.

Comment

8. Although the National Council for Social Action (CNAS) was created through Decree 38/2015, of 31st December, of the Council of Ministers, with the aim of strengthening coordination and articulation between public entities, civil society organizations, religious institutions, the private sector intervening in the area of children, social work and basic social security, no comprehensive system of data collection and record keeping has been created.

Recommendation:

- i. Make the CNAS operational by establishing an annual schedule for work meetings and accountability between the government, public entities, civil society organizations, religious institutions and the private sector that intervene in the area of children and;
- ii. Create a child action management platform including disaggregated statistical data.

Comment

9. The creation of the National Human Rights Commission (CNDH) is a positive step, however, it is limited in following up on cases of rape and abuse of minors, due to the lack of financial resources and dissemination of the CNDH.

Recommendation:

Given its relevant role in Mozambican society, the Government must guarantee a regular budget for the full functioning of the National Human Rights Commission (CNDH).

Comment

10. The commemoration of the Day of the African Child (DAC) is notable in urban areas, while in rural areas its commemoration is almost non-existent and without any impact.

Recommendation:

- iii. In order to strengthen the celebrations of the African Children's Day, an annual programmatic matrix should be designed, involving public entities, civil society organizations, religious institutions and the private sector that intervene in the area of children, containing concrete actions for the commemoration of the day;
- iv. Ensure that celebrations take place in all districts and administrative posts in the country through partnerships with different living organisms in the society.

3. Definition of Child

Comment

11. We agree with the definition of a child embodied in the Law on the Promotion and Protection of the Rights of the Child, which defines a child as an individual under the age of 18 years. We also welcome the approval of the revision of the Family Law in July 2019, setting the marriageable age at 18 years, with no exceptions. However, the setting of 15 years as the minimum age for employment prevails, and employees may be employed from the age of 12 in exceptional cases.

Recommendation:

That the Labour Law be reviewed, which sets 12 years as the minimum possible age for employment in exceptional cases, as well as the harmonization of the Laws: Penal Code and Labour Law.

Comment

12. We welcome the harmonization of customary and religious laws, policies and practices that set the minimum age of marriage at 18 years in all circumstances, consistent with Articles 2 and 21 of the Charter. Likewise, we praise the revision of article 30 of the Family Law and the approval of the Law to Prevent and Combat Premature Unions, however we are concerned about the persistence of premature unions in Mozambique.

Recommendation:

- i. Increase the awareness of families and communities about the negative impact of early marriages on girls' lives;
- ii. Ensuring the Speed of processes derived from premature unions.

4. General Principles

4.1 Non-discrimination

Comment

14. We commend the approval of laws and policies that promote the equality of children, in particular Law 18/2018 of 28th December, which regulates the National Education System (SNE). We also commend the implementation of various initiatives aimed at eliminating

disparities between girls and boys including children with disabilities and children from marginalized groups.

Recommendation:

- i. An increasingly solid integration between the Government, Civil Society and other national and international partners is recommended in the flexibilization of laws and policies that promote the elimination of disparities;
- ii. It is recommended that a survey of the situation of children with disabilities and from and on the street throughout the country be carried out, as well as the adoption of an integrated plan of specific actions for the protection and well-being of marginalized children.

4.2 The best interest of the child

Comment

14. We welcome the legislative, administrative and judicial measures taken with regard to the best interests of the child, especially the application of various basic principles relating to the rights of the child, such as non-discrimination, survival and development, respect for their view. However, the fundamental principles of the best interests of the child and participation also remain a challenge in their implementation. It is noted that both at the political and community level, these principles are not always safeguarded by adults and institutions, with the material and economic interests of adults often placed above the interests of children (ROSC, 2016).

Recommendation:

- i. Create a subcommittee on the Rights of the Child within the CNDH with the mandate to monitor the implementation of the Rights of the Children in the country;
- ii. Observance and implementation of the best interests of the child at all levels being the mídia a means for mass awareness and promoting training for justice system officials to apply when in legal assistance.

4.3 Survival and Development

Comment

15. The Government uses outdated data⁸ (2011 a 2013) to refer to the issue of malnutrition in the period between 2015 and 2018. However, they do not present measures taken to mitigate malnutrition in the period in question. The Government's Five Year Program, 2015-2019, presents a review of targets to be achieved with a view to reducing up to 35% in 2019. Data from ONS (2021) and UNICEF (2021) indicate that malnutrition in Mozambique has reduced from 44% in 2010 to 38% in 2021, which is above the forecast in the PQG.

Recommendation:

Empower women and men to ensure good dietary practices.

Comment

16. The Government resorts to enumerating laws and policies to protect children from violence that affect their right to life, survival and development without, however, indicating the measures taken for its implementation.

Recommendation:

Develop strategies for implementing the aforementioned laws to ensure effectiveness in defending children's rights.

Comment

17. We welcome the strengthening of measures to prevent road accidents involving children, (application of rules on the distances between schools and public roads; construction of crosswalks to allow safe crossings, consistency in the training of vehicle drivers; training of the traffic; collaboration Police/school/National Institute of Road Transport (INATRO), workshops in schools and places of population agglomeration, educational meetings, radio and television messages and awareness actions on public roads). We also welcome the approval of legal instruments with a view to reducing road accidents resulting from professional activity (Decree 23/2015, of September 30th, Diploma 122/2013, of August 13th) 128. However, a notable number of car accident victims⁹.

⁸Baseline study carried out by SETSAN in 2013, IDS, 2011, MISAU, 2012

⁹ Rede da Criança (2021). Children's Annual Report

Recommendation:

- i. Improve communication mechanisms between the Traffic Police/school/INATRO and the community.
- ii. Fix awareness mechanisms on public roads, preferably at departure points for transporters and truck drivers and at traffic lights, as well as at junctions for other drivers.

4.4 Child Participation**Comment**

18.1. We salute the initiative of the children's parliament by the Government, including all its principles, particularly geographical representation (National, provincial and district level). We also salute the participation in the sessions of the Children's Parliament of the Head of State and the President of the Assembly of the Republic who interact with children. However, in recent years no sessions of children's parliament have been held at any level.

Recommendation:

- i. Create a programmatic matrix and schedule of children's parliament sessions together with all living organisms in society;
- ii. Involve and listen more to children through appropriate participation mechanisms so that they participate in processes and decisions that concern them directly;
- iii. Allocate in the state budget to ensure that sessions of children's parliaments take place regularly where children exercise their right to participate and adopt the guidelines for the functioning of the children's parliament and on the inclusion of children in decision-making processes at various levels.

Comment

18.2. The Government refers to the exercise of the right to freedom of thought, conscience and religion as guaranteed to citizens, including children, with reference to the provisions of paragraphs 3 and 4 of article 12, in conjunction with the provisions of article 54, of the Constitution of the Republic. However, it makes no mention of freedom of opinion and expression as enshrined in the same Constitution in paragraph 2 of article 47.

Recommendation:

The annual materialization of the children's parliament at all levels is recommended, as well as annual meetings of the National Council for Social Action.

5. Civil Rights and Freedoms

Comment

19. We salute the Government's efforts, particularly actions under the coordination of the Ministry of Justice, Constitutional and Religious Affairs (MJACR), for the massification of birth registrations (opening of new birth registration posts, including in some maternity hospitals, the use of mobile brigades, carrying out registrations within the scope of the National Child Health Week, and the integrated campaign for birth registrations and issuing of identity cards). However, a large number of children not registered before 120 days prevails, as determined by law.

Recommendation:

- i. Intensify awareness and training actions (i) to health technicians allocated to maternity hospitals, (ii) community leaders, (iii) families and (iv) communities, on the importance of registering children, through radio and television programs, theatre, leaflets, posters and other means.
- ii. Guarantee a pre-registration right after birth (which accommodates cultural aspects regarding the attribution of the name).
- iii. That awareness campaigns on the importance of birth registration be permanent and that the age limit for free birth registration be extended to minors under 18 years of age, as defined by the child in the CADBEC and that birth registration services are accessible close to populations.

6. Family Environment and Alternative Care

Comment

20. We welcome the approval of the Regulation on the Alternative Protection of Minors (Decree 33/2015 of 31st December, regulating the conditions and procedures for the alternative protection of minors separated, temporarily or permanently, from their family members or at risk of separation). However, Mozambique still lacks a specific regulation on alternative care for children from the perspective of UN guidelines.

Recommendation:

- i. Create a specific regulation on alternative care for children in line with UN guidelines and;
- ii. Greater dissemination of instruments and;
- iii. Better observance and enforcement of the United Nations Guidelines for Alternative Child Care.

Comment

21. We welcome the approval of Law 22/2019 of December 11th, the Family Law that establishes the procedures for national adoption, in the same way that we welcome the law on the guardianship organization for minors that defines the procedures to be followed in the adoption processes. However, it appears that the Family Law, despite mentioning intercountry adoption in article 416 (Hague Convention on the Protection of Children and Cooperation in Relation to Intercountry Adoption - 1983), the content of this provision only refers to the procedure for a special law to be passed.

Recommendation:

Materialize what is foreseen in article 416 of the Family Law, creating a special law that regulates international adoption.

7. Health and wellness

Comment

22. We salute the reinforcements made by the Government, which culminated in an improvement in the percentage of children vaccinated and with access to antiretroviral drugs

(66% of children completely immunized in total, 63.5% among girls and 68.1% among boys - IMASIDA, 2015). However, we believe that a coordinated effort with Civil Society and the community could have better effects.

Recommendation:

- i. Improve articulation with Civil Society and the community in raising awareness to ensure effectiveness in mass immunization assistance, expanding access to antiretroviral drugs to reduce HIV prevalence and its effect on children and;
- ii. Implement the Abuja Declaration adopted by the Heads of State and Government of the African Union in 2001,
- iii. Allocate at least 15% of annual budgets to improve the health sector.

Comment

23. We salute the Government's efforts to train health professionals and place more than 8.275 technicians in different specialties and categories, measures that resulted in an increase in the use of health services from 65.2% to 67.4%. However, access is high for the population residing in urban areas (76.7%) compared to rural areas.

Recommendation:

- i. Improve the expansion of the health network in rural areas in order to guarantee better access to health services;
- ii. Promote on-going ethics awareness actions and quality professional training for health workers, for humane care for children and;

Allocate necessary materials for work as well as ensure incentives for motivation of health workers.

8. Education

Comment

24.1 Access to pre-school education is quite limited and optional in Mozambique. The lack of integrated early childhood development is a key reason for the weak ability to master literacy

and numeracy in basic education (UNESCO, 2019)¹⁰. Civil Society welcomes the Government's efforts to improve both access and quality of pre-school and primary education (approval, by the Council of Ministers, of the Strategy for the Integral Development of Children in Pre-School Age - DICIPE, increase in the number of children's centers and community schools, of new schools, in the training and allocation of new teachers and provision of school material, especially books and manuals for teachers, increased distance learning and youth literacy as activities that complement teaching formally). However, both access and quality are far from the level of satisfaction of children (very low quality infrastructure and school materials and teachers with poor training prevail).

Recommendation:

- i. Engage local communities in building resilient classrooms so that they can take ownership of construction techniques to ensure maintenance;
- ii. Reformulate the strategy of the process of elaboration and distribution of the textbook, giving primacy to the national market;
- iii. Reformulate the process of recruiting and training teachers (giving priority to on-going training of teachers in practice) and;
- iv. Declare pre-primary education compulsory, universal and free.

Comment

24.2. Although there are efforts aimed at ensuring access to education (exemption of tuition fees for entering primary education, free distribution of textbooks to all primary school students), a high rate of children without education prevails, with particular emphasis on poor children and vulnerable (the gratuity referred to in article 8 of Law 18/2018 of December 28th does not cover all the kit necessary for compulsory schooling).

Recommendation:

- i. The Government must include in the expenses provided for in number 02 of article 08 of Law 18/2018 of 28th December, school supplies (notebooks, ballpoint pens, uniform and school pass);

¹⁰ UNESCO Report (2019).

- ii. Ensure pre-registration/enrolment for children without identity cards, refugee and stateless children and;
- iii. Ensuring that pregnant children finish their schooling levels.

Comment

25. We commend the Strategy for the Integral Development of Children in Preschool Age (DICIPE) as well as the increase in the number of public and private children's centers, from 419, in 2015, to 620 in 2018, and the number of community schools from 690 to 747. We also salute the school snack initiative as a measure that helps with school dropouts. However, there is a great deficit in the coverage of children's centers and community schools, as well as the poor quality of kindergarten teachers.

Recommendation:

- i. Increase the coverage of children's centers and community schools;
- ii. Improve the training of kindergarten teachers;
- iii. Reinforce the school snack initiative for all community schools and children's centers;
- iv. Increase supervision in public and private schools and the implementation of teacher regulations and other instruments on safeguarding children and;
- v. Hold exemplarily responsible kindergarten teachers and offending teachers to discourage unethical attitudes.

Comment

26. We welcome the Law on the Promotion and Protection of the Rights of the Child, which establishes in its article 64 the responsibility of the State to take legislative and administrative measures, including sanctions, with a view to protecting the child against any form of abuse, negligent treatment by parents, guardians, host family, legal representatives or third parties. However, a legal instrument is missing (specific regulations in public and private institutions that guide and protect the integrity of the child).

Recommendation:

Produce specific regulations for public and private institutions that guide and protect the integrity of children.

Comment

27. We welcome the adoption of the inclusive education strategy through which children are integrated into regular schools. We also welcome the training of teachers in teaching strategies and methodologies for children with special educational needs, sign language and the Braille System. However, many children with disabilities continue to be multiformly discriminated (i) in access to adequate means of public transport, (ii) face inadequate accessibility to infrastructure, (iii) in access to adequate learning facilities, (iv) face lack of specialized teachers or with knowledge and experience in responding to special educational needs. The Government of Mozambique created three Regional Centers for Inclusive Education (CREI). One in the northern region (in Nampula province) another in the central region (Tete province and another in the southern region (in Gaza province) with the aim of generating practices, approaches and methodologies of inclusive education tested in context and approved. would then be replicated in schools as part of the process of implementing inclusive education. These centers have been in existence for over 6 years. However, schools throughout the country still do not have documented results produced by these centers. In this context, educations The above-mentioned inclusive practices still do not respond to the specific needs of children, as well as challenges regarding teacher training and the acquisition of suitable materials for learning children with special educational needs resulting from disabilities. No. 53/2008, of December 30th, which establishes standards to be observed in the construction process of public infrastructure, on the contrary, there are several public works that are built without observing the accessibility standards recommended in this decree.

Recommendation:

- i. Extend special education to teachers in all schools (committing to periodic and on-the-job training);
- ii. Ensure adequate learning materials for children with special educational needs resulting from disabilities;
- iii. Reassess the educational curriculum to respond to the challenges faced by children with disabilities;
- iv. Continue to improve basic infrastructure, making it suitable for children with disabilities;
- v. Ensure peer education and also debates about discrimination and bullying in schools so that children with disabilities do not feel discriminated against;

- vi. Be quick in maximizing the purposes of creating regional CREIs;
 - vii. That the CREI must present concrete results and good practices and that these be replicated in all schools;
 - viii. Make inclusive education real and effective in all schools in the country and;
- Ensure that the monitoring and evaluation of the implementation of Decree 53/2008 is implemented by MGCAS, in coordination with CNAS and other coordination platforms with organizations of people with disabilities (eg FAMOD, ACAMO, ASUMO, ADEMO and others).

9. Special Protection Measures

Comment

28. Survival is seen as the main cause of child labour in Mozambique¹¹. UNICEF speaks of more than 215 million victims of child labour and deplores conditions of child exploitation and involvement in armed conflicts. We welcome the ratification of ILO convention 138 and 182 on the Minimum Age for Admission to Employment and on the Worst Forms of Child Labour respectively. We also welcome the approval of the National Action Plan to Fight the Worst Forms of Child Labour, including domestic work and the List of jobs considered dangerous for children referred to in the General Implementation Measures chapter and the approval of the Employment Policy, in 2016. However, we note that society, the government, the African Union are oblivious to the fact that child garbage collection work is one of the most unworthy and dangerous jobs for children, despite contingents of children collecting garbage, especially in the largest cities if not in all municipal councils in Mozambique.

Recommendation:

- i. We reiterate the review of the Labour Law, which sets 12 years as the minimum possible age for employment in exceptional cases;
- ii. Include financial education and the creation of an improved food portfolio for families living in situations of extreme poverty and;
- iii. Improve the dissemination of the African Charter on the Rights and Welfare of the Child and the ownership of the African Children's Day..

Include child garbage collection work in the list of dangerous jobs for children.

¹¹<https://news.un.org/pt/story/2015/06/1515161> (Accessed at 3 pm on the 06/02/2023)

9.2 Protection from child abuse and torture

Comment

29. We welcome the reformulation of legal instruments against corporal punishment of children, the increase in Assistance Sections for Victims of Violence, establishment in 2012 of the Integrated Assistance Mechanism for Victims of Violence). However, they still do not respond to the protection of children in all environments, as cultural aspects prevail that perpetuate corporal punishment, and children lack respect for the right to be protected against violence. The legal framework is not clear on the prohibition of corporal punishment as a form of discipline for children. Ministerial policies, circulars or instructions and codes of conduct or discipline that prohibit the practice of corporal punishment in schools only have administrative effects without any criminal or civil liability for harm to children¹². Currently, one of the risks is the misuse of the internet and digital technologies for the purpose of child sexual exploitation and abuse. At least 13% of children in Mozambique have been subjected to online sexual exploitation and abuse. Online grooming, sharing of child sexual abuse material and live streaming of child abuse are crimes against children that need an urgent, multi-sectorial and global response. (ECPAT, INTERPOL, and UNICEF. 2022).

Recommendation:

- i. Create codes of conduct in institutions for the protection of children;
- ii. Intensify the community's awareness of the adoption of family dialogue as the main instrument for raising a child and;
- iii. Ensure training for all agents working for and with children. (Teachers, caregivers, nurses, drivers including the police);
- iv. Investing in the safety and security of children online;
- v. Putting children's safety at the heart of design and development processes, rather than treating it as an afterthought. This safety must be informed by evidence of the occurrence of online child sexual exploitation and abuse.

10. Children in Conflict with the Law

Comment

30. Around the world, services for children/minors in conflict with the law have changed extensively over the last twenty years. This change happened due to the movement committed to

¹² Global Initiative to End All Corporal Punishment of Children Report– 2015

the recognition, expansion and greater protection of children's rights around the world (Rede da Criança, 2019)¹³. We salute the efforts undertaken at the level of the Juvenile Court and the specialized sections in the provincial and district judicial courts. We also welcome the training of judges, prosecutors and social action technicians to assist children in conflict with the Law. We commend the creation of regional centers and the Youth Rehabilitation Center of Boane in Maputo Province, which caters for attributable minors (ensuring access to basic social services and occupational activities such as health, education and vocational training). However, population density in Mozambique is higher in rural areas than in urban areas. Hence, the regional and Boane centers do not respond to the demands of the services of children in conflict with the Law in all environments. We appreciate the effort made to raise the awareness of children, families and communities to prevent the phenomenon and identify children at risk, supporting them so that they do not come into conflict with the Law. However, a juvenile court in each province as a first step would go a long way towards making the juvenile justice system a child-friendly system. Allied with these, there is a need to expand service desks in neighborhoods across the country and ensure friendly service and advice.

Recommendation:

- i. The specialized section for minors is specific, that is, it is a unit of the juvenile court, preventing children from being treated in a judicial court;
- ii. Expansion of recovery centers to all provinces in the country;
- iii. Allocation of judges, attorneys and social action technicians with specific training in the jurisdiction of minors to assist children in conflict with the law;
- iv. Expand service desks in neighbourhoods across the country and ensure child-friendly service and advice;
- v. Creation of programs and provision of support services for children/minors who are in conflict with the Law.

11. Harmful Traditional Practices

31. Comment:

The National Institute for the Support of Refugees (INAR) indicates that by mid-2018 Mozambique had 40.358 foreigners as refugees, of which 13.554, including children, are in the Marratane Center in Nampula Province and the rest dispersed across the country's provinces.

¹³Rede da Crianca (2019). Children in conflict with the law: Access to Legal Assistance and Rehabilitation and Social Reinsertion Programs.

Most of them come from Burundi, Congo Brazzaville, Ethiopia, Democratic Republic of Congo, Rwanda and Somalia 7. The Government report restricts the analysis of harmful traditional practices to premature unions which we welcome the harmonization of laws, policies and customary practices and religious laws that set the minimum age for marriage at 18 years in all circumstances, however we are concerned about the omission of several other harmful traditional practices derived from cultural habits such as some initiation rites and circumcision.

Recommendation:

- i. Increase the awareness of families and communities about the negative impact of harmful traditional practices on children's lives, with particular attention to girls;
- ii. Strengthen basic social services at Marratane Refugee Centre, including SMI, immunizations, childbirth, psychosocial support recreational activities, child participation and workshop sessions to discourage harmful cultural practices to children.

12. Sale, Traffic and Kidnapping

Comment

32. In Mozambique, inspection linked to cross-border trafficking is still weak. Internally, the response to cases of internal trafficking in children for different purposes is still low. We commend the actions carried out to prevent, combat and provide assistance to victims, highlighting the training of police, migration personnel, judges, prosecutors, social action technicians, civil society organizations, community, traditional and religious leaders and the carrying out of actions dissemination of legislation and awareness of the various actors for the prevention of trafficking through programs in the media, including community radios, lectures, debates and marches.

Recommendation:

- i. Increase the awareness of families, communities, the private sector and the public in general to protect children against any form of sale, trafficking and sexual exploitation;
- ii. Improve the process of public disclosure of information about perpetrators;
- iii. Governments sign bilateral agreements between countries in the region, in order to mitigate child trafficking.
- iv. The Community Child Protection Committees are frontline agents and multipliers of awareness messages and awaken families to the risks and consequences of their children when trafficked.

Allocate more financial resources to train border guard soldiers to accurately handle child trafficking cases and children on the move.

13. Children of Imprisoned Mothers

Comment

33. We welcome the fact that the internment of women is carried out in a separate establishment from men. We also welcome the fact that the law allows pregnant women or women with newborn children to benefit from all the care and treatment offered to free women and the fact that the law allows children to remain with their mothers up to the age of three. However, in Mozambique there is only one prison for female prisoners, which is the Ndavela Women's Prison, located in the Municipality of Matola, Maputo Province. This means that the situation of women incarcerated in jails in the provinces of Gaza, Inhambane and the central and northern regions of the country is not favourable to this group of women. The scenarios show that there are situations in which there are inmates who are pregnant, breastfeeding and mothers inside prisons. Notwithstanding the fact that the Government states that all female prisoners benefit from free SMI services, and others, it does not provide figures for female prisoners who are in prison nor does it indicate the number of children of mothers who are detained throughout the country.

Recommendation:

- i. Provision of statistical data on children of prisoner mothers across the country and the type of actual assistance provided to this group of children;
- ii. Implementation in accordance with the CRC, norms conducive to the realization of children's rights, including regional norms such as General Comment no. 1 of the African Committee of Experts on the Rights and Welfare of the Child (Article 30 of the African Charter on the Rights and Welfare of the Child) concerning children of parents and guardians in custody and imprisonment;
- iii. Prioritize the fulfilment of sentences in a community work regime for mothers incarcerated with children and young people.

14. Responsibility of the Child

Comment

34. We reiterate our position of creating a programmatic matrix of children's parliament sessions together with all corporeal bodies in society, the annual materialization of the children's

parliament at all levels and the materialization of annual meetings of the National Council for Social Action.

Recommendation

- i. Involve families, communities, the private sector and the public in general in raising children's awareness of the importance of honouring the child's responsibilities, both within the family and in any other environment (school, community, public road and others) as a form of mitigation of clashes between them and the society;
- ii. Materialize the children's parliament at all levels;
- iii. Materialize the annual meetings of the National Council for Social Action;

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16. Appendixes

I. Round Table Protocol

Elaboration of the Civil Society Report on the Implementation of the African Charter on the Rights and Welfare of the Child

YEAR: 2023 (31st January to 2nd February 2023)

Round table with Civil Society Organizations - CSOs on the state of implementation of the African Charter on the rights and well-being of the child, in Mozambique in the light of the Government Report and the Recommendations of the African Committee of experts on the rights and well-being (ACERWC) i.e. legal persons who have a direct interest in the rights and well-being of the Mozambican child.

➔ **Main objective:** This Round Table protocol aims to collect reliable information that can inform and ensure an analysis of the current situation on the rights and well being of children in the framework of the preparation of the Civil Society Report (CADBEC) in the period between 2015 to 2022.

➔ **Topics or groups of variables:** The protocol is organized into 11 topics or groups of variables of interest, namely:

- A. Demographic data of participants (introductory questions - demographic or sociocultural variables that characterize organizations)**
- B. General implementation measures**
- C. Definition of child**
- D. General principles**
- E. Civil rights and liberties**
- F. Social, economic and cultural rights**
- G. Basic health and wellness**
- H. Family environment and alternative care**
- I. Special protection measures**
- J. Children victims of practices harmful to their dignity and development**
- K. Duties of the child**

L. Final questions

Variable & Question Groups	
Contextualization of the interview	
My name(s) is xxxx and I am/we are conducting this interview as part of a consultancy for the preparation of a Civil Society Report (CADBEC) in statement on the Government Report in the period comprised between 2015 to 2022.	
A.	Introductory Questions: Demographic Profile of Participants
Can you please tell us	
<ul style="list-style-type: none"> • How long have you worked at • How long has your organization existed? • What is your position/role? • What are the key activities performed by your organization? 	
B.	GENERAL IMPLEMENTATION MEASURES
Can you please describe in greater detail how your institution reviews government measures for the implementation of children's rights?	
We would like to better understand how your organization in the last 07 years (from 2015 to 2022) has influenced the adoption of the referred measures.	
Possible follow-up questions:	
Can you list the measures taken by the government to ensure better implementation of the African Charter on the Rights of the Child? Regarding: (Legislation, Political priorities, dissemination of children's rights, coordination mechanism and monitoring and evaluation mechanisms, Increased allocation of budgets)	
C.	DEFINITION OF CHILD
In your opinion, from 2015 to 2022, there was harmonization of laws, policies and religious practices that establish the minimum age of 18 years in all circumstances for: (Weddings, Military service, consumption of alcohol and tobacco, attendance at public places of night fun). Comment.	
D.	GENERAL PRINCIPLES
<ul style="list-style-type: none"> • From 2015 to 2022, laws and policies were passed that promote the equality of children in general and in particular with regard to girls, children with disabilities 	

	<p>and children from marginalized groups. (Can you mention them?) How impactful are they?</p> <ul style="list-style-type: none"> • What has been done to ensure the child's survival and full development? (Malnutrition, Violence, Road safety) • How has children's participation in the exercise of citizenship been guaranteed?
E	CIVIL RIGHTS AND FREEDOMS
	<p>In the period in question, there was a harmonization of laws on: (Registration of birth/Name and nationality, preservation of identity, freedom of thought, conscience and religion, freedom of association and peaceful assembly, protection of privacy and right not to being subjected to torture and other cruel inhuman treatment or punishment). Can you refer to them?</p>
F	F
	<p>What has your organization done over the last 07 years to guarantee the social, economic and cultural rights of children in terms of: (Education, vocational training and guidance).</p>
G	G
	<p>How does your association guarantee the health and basic well-being of the child? Consider: (Survival and development, health and health services including endemic diseases, malnutrition, immunization coverage, maternal health, HIV/AIDS, SAAJ and environment)</p>
H	H
	<p>Civil society, in the period in question, is satisfied with the scope of the family environment and alternative care for children in Mozambique considering (parental guidance, parental responsibility, parental separation, child care services and institutions, family reunification, maintenance, adoption, abuse and neglect including physical psychological recovery and social reintegration?)</p>
I	I
	<p>Civil society, during the period in question, is satisfied with the scope of social protection measures for Mozambican children in terms of: (Children with disabilities, child labour, refugee children, children in armed conflicts, children of imprisoned mothers, sexual exploitation and abuse, sexual abuse, drug abuse, sale, trafficking and kidnapping, children living or working on the street, etc.)</p>
J	J
	<ul style="list-style-type: none"> • How does CS ensure that societies are made aware of the harmful effects of harmful traditional practices, which include early marriages, and murder of children with albinism, children belonging to a minority and other practices harmful to children. • In your opinion, is the juvenile justice system in Mozambique a child-friendly system? (Consider, expansion of juvenile courts in the provinces).
K	K
	<p>Can you please describe in greater detail how the SC ensures that the child's duties are</p>

fulfilled?	
L	L
Reflecting back on our conversation, there are some additional findings I'd like to add that we didn't talk about during the debate, including issues I feel are relevant to the well-being of the Mozambican child.	

NB:

A. The round table will be divided into 5 interest groups namely:

- 1) Civil rights and freedoms / social, economic and cultural rights (**variables E and F**)
- 2) Family environment and alternative care (**variable H**)
- 3) Basic health and well-being (**variable G**)
- 4) Special protection measures (**variable I**)
- 5) Children victims of practices harmful to their dignity and development (**variable J**)

B. Each organization will be able to group itself for the debates in the group that best responds to its main object.

C. Those with more variables (A, B, C, D, K, L) will be discussed by all groups.

What is the scope of the Round Table?

- To get an overview of how civil society can contribute to the implementation of the Charter and the Committee's concluding observations and Recommendations.
- Clear, concrete and specific recommendations (short and presented in order of priority) on how to improve the situation of children in the country.

II. List of organizations and institutions involved in the process of preparing the Report (2015 – 2022)

1. . ADESSO
2. ASSEDUCO
3. ACABE
4. ACUZA
5. ADIJC
6. AJN
7. ACRIAJUDA
8. AMACO
9. SOS Moçambique- Aldeia de Crianças
10. AESP
11. ADRA
12. AMPARAR
13. ASSCODECHA
14. Associação CROSS Moçambique
15. Associação HOOTY
16. Associação MUCHEFA
17. Terre des Hommes Alemanha
18. Rede CAME
19. KULIMA Ntwanano
20. Centro CARAN – CCM
21. ROSC
22. REPSSI
23. Renascer-OMAC
24. Rede da CRIANÇA
25. Conselho Islâminco de Moçambique
26. DIAKONIA
27. AMAMO
28. Centro Juvenil Ingrid Chawner
29. Associação Kandlelo
30. World Vision
31. Associação Sê Rixile
32. Associação Horizonte Azul
33. SANTAC
34. Associação Criança na Sombra
35. Igreja Evangélica Cristo Vive
36. AMORA

- 37. Parlamento Juvenil
- 38. ASESE
- 39. ASADDEC
- 40. AMOJUDEC
- 41. ADEMO
- 42. KUBESSA

III. **Children's Report**