

Introduction

1. This report was prepared by the Joint Platform Initiative for Child Rights Advocacy called the 3R Platform composed by Rede CAME¹, Rede da Criança² and ROSC³.

II. General Measures of Implementation of the Child Rights (CRC)

2. The government extinguished the CNAC, the Child Rights National Council, in 2018. Whose extinction seems or unlawful to us, given that the creation of CNAC was compliance of the law, however its extinction was based on a ministerial decree. It is true that in place of CNAC, CNAS⁴ was created, based on all the interests of all groups considered vulnerable, including children. What we are concerned as it minimizes the meaning and scope of children's rights.

III. General Principles of Child Rights

3. **Children with disabilities:** Many children with disabilities continue to be discriminated against on multiple grounds: (i) barrier to access public transport, (ii) inadequate access to infrastructure, (iii) inadequate access to learning facilities, (iv) ~~face a~~ lack of ~~specialized~~ teachers ~~or~~ with skills ~~knowledge~~ and experience in special educational.
4. In 2008, the Government of Mozambique adopted Decree 53/2008, of 30th December, which establishes standards to be observed in the process of building public infrastructure, however, several public infrastructures do not meet the referred standards.
5. **Child Participation in Public Events:** The participation of children in public ceremonies for interaction with government and state officials in general, at different levels, has been a practice in Mozambique, which we appreciate because it is part of the process of building citizenship. Our concern is participation is tokenistic i.e for meeting protocol purposes in the reception of state dignitaries. Often children are forced to miss school and have to wait for a long time, without adequate logistic conditions (food, transportation and security). Often times the children are not given space to say a word to the visiting officials. Therefore, we think that their participation is harmful.
6. **Children and the Justice System:** We appreciate (i) the involvement of the Traffic Police in schools in urban centres that have a history of road accidents, the training of children as traffic guides, the placement of speed bumps in the vicinity of schools; and, (ii) the establishment of the Office providing Assistance to Families and Children Victims of Domestic Violence (GAFCCV)⁵ in all District Police Command Centres (PRM). However, the interaction between the police and children in police stations, even in the GAFCCV itself, is far from meeting the child's best interest and is not child-friendly. In the prosecutor's office (PGR) and Courts as well, the environment and the way children are cared for and heard is identical to that of adults. One would expect Mozambique to learn from the good experience of neighbouring countries such as South Africa and Eswatine, which already adopt child-friendly justice practices.

➤ **Recommendation 1:** Adoption of children's parliament's operating guidelines and on the inclusion of children in decision-making processes in the various decision-making forums at local, municipal and central government level.

➤ **Recommendation 2:** Creation of conducive conditions for children and preparation of police officers, prosecutors, judges in child-friendly service methodologies.

IV. Child Civil Rights and Freedom

7. **Birth Registration:** The Government of Mozambique was extraordinary in extending free registration period from 30 days (1 month) to 120 days (4 months) to ensure that new-born children have their birth registration and, with several partners, it carries out free child registration campaigns, using mobile brigades, prioritizing districts and remote areas.

¹ Network Against Child Abuse

² Children' Network

³ Civil Society Organizations Network

⁴ National Council for Social Action

⁵ Police Victim Support Unit

8. Despite these government efforts, Mozambique continues to have high rates of children without birth registration, about 45.5 percent of children under the age of 17 have no birth registration in Mozambique⁶, the main factors contributing to this; are low adherence to registration in the period of free registration and low allocation of resources (financial, material and human) by the government in the District Civil Registry Offices.

- **Recommendation 3:** Increased allocation of resources (financial, material and human resources) to district civil registration offices to ensure quality, comprehensive birth registration closer to communities.
- **Recommendation 4:** Develop community awareness campaigns on the relevance of birth registration.
- **Recommendation 5:** We recommend that birth registration in Mozambique be free for all children under 18 years of age .

V. Violence Against Children

9. **Levels of Violence Against Children in Mozambique:** About 40 percent of children in school suffered bodily violence with the use of an instrument or by hand not only in school but also in the families where about 52 percent of girls had been whipped or assaulted by their parents in their homes⁷. In schools and communities there are no clear mechanisms to protect and safeguard children from institutional and community violence.

10. **Violence Against Children and the Legal Framework:** The legal framework is unclear about the prohibition of corporal punishment as a form of discipline for children⁸. Policies, circulars or ministerial 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 damages to children.

- **Recommendation 6:** Adoption of legislation that clearly prohibits corporal punishment of children and adoption of mechanisms for educating families about positive discipline.

VI. Child Sexual and Reproductive Health

11. **Adolescence and Sexual and Reproductive Health:** In the field of adolescent sexual and reproductive health (SRH), several policies and programs were approved including the National Program on Reproductive Health 2008-2012, the National Health Policy and Sexual and Reproductive Rights (2011), the School Health Strategy 2010-2016, the Strategic Plan for the Health Sector (PESS⁹) 2014-2019, among others.

12. However, there are challenges. As the CSO summary report to the UN Committee on the Child Rights (2018) states, the country has a high adolescent fertility rate (about 170 children per thousand adolescents), low level of contraceptive use (about 11%), especially in rural areas of the country. Studies indicate that girls living in rural areas are more likely to become pregnant before the age of 15 than girls in urban areas. In 2015, 9.6% of children aged 15 subject to a study on malaria and HIV/AIDS immunization indicators gave birth to a living child, 4.7% of whom were pregnant for the first time and 14.3% of children subject to the study were pregnant at the time of the survey (2015). It is also important to note that some social norms, unequal gender relations, peer group influence, different perspectives for the future, satisfaction of basic needs, and religion, are factors that play a central role in decisions on adolescent sexual

⁶ URL//<https://news.un.org/pt/story/2019/09/1685732>, (accessed on 9/10/2020). Maputo

⁷ Global Initiative to End Corporal Punishment of Children (2013).

⁸ Global Initiative to End All Corporal Punishment of Children Report – 2015

⁹ PESS: Plano Estratégico do Sector da Saúde

behaviour.

- **Recommendation 7:** We recommend a study on the objectives, contents taught, and approaches used in order to identify positive and negative aspects. Based on this, we outline guidelines through which initiation rites will be used to prevent premature marriages and early pregnancies.
- **Recommendation 8:** Based on the results of the study recommended above, invest in the development of an initiation rites curriculum focused on combating premature marriages or other similar negative practices.
- **Recommendation 9:** It is crucial that district governments interact with community leaders, especially the matrons of initiation rites, to assess the level of achievement of initiation rites and identify best practices and challenges.
- **Recommendation 10:** We recommend revitalizing existing counselling groups (e.g. Youth Friendly Health Services (YFHS) and the BIZ Generation Project) given their role in spreading constructive messages about sexual and reproductive health to adolescents, allowing them to reach the majority of adolescents and youths.

VII. Child Protection Community Committees (CCPC)

13. **Child Protection Community Committees:** CCPCs have an important role in preventing and responding immediately to cases of child protection incidents at family, community and school levels. CCPCs are subordinated to the Ministry of Gender, Children and Social Action (MGCAS), with support from partners, MGCAS has created about 1500 CCPCs throughout the country, however, in their formal programmatic instruments, PES and OGE, CCPCs are omitted, which means that (i) they are not able to receive public funds, and (ii) are not seen for funds earmarking as necessary and are not in the centre of attention of government as a whole.

Recommendation 11: Evaluation of CCPC performance to identify good practices and to learn from each other in order to improve their achievements, not only but also, given their role in child protection, CCPC should be continuously valued and encouraged.

VIII. Child Welfare

14. **Health Services Provided to Children:** Positive note to the progress the government has made in the area of children's health. Progress has been made in (i) preventing diseases (such as diarrhoea, malaria, HIV/AIDS and acute respiratory infections) that are major causes of death in children under five years of age, (ii) expanding HIV/AIDS prevention and treatment (prevention of mother-to-child transmission, ART including paediatric), (iii) the fact that MINEDH has introduced HIV/AIDS education in primary and secondary school curricula (iv) vaccinations through campaigns. In the case of malaria, there has been distribution of mosquito nets, intra-domicile spraying, and the handling of malaria cases with artemisinin derivatives, among other improvements.

15. However, the general health situation of children and adolescents in Mozambique remains of concern. Public health service costs remain high for most poor and extremely vulnerable household users, and the distance between services and household users remains long. It is important to stress that Mozambique continues to have high rates of (i) severe chronic malnutrition, and acute malnutrition, both of which have a long-term impact on the lives of children, (ii) non-institutional births attended by non-professionals, (iii) infant mortality caused by preventable diseases such as malaria, diarrhoea, etc., traditional birth attendants, (iv) maternal infant mortality, (v) early pregnancy, (vi) poor access to maternal child health services (MCH), and (vii) poor quality services..

- **Recommendation 12:** There is a need to regulate initiation rite processes throughout the country in order to establish acceptable standards when applied to children;
- **Recommendation 13:** Revitalization of existing counselling groups (e.g., Youth Friendly Health Services (YFHS) and the Biz Generation Project) given their role in spreading constructive messages about sexual and reproductive health to adolescents, allowing them

to reach the majority of adolescents and young people.

IX. Right to Education, Leisure

16. **Education Sector Data:** Excluding the positive data from the education sector for which we congratulate the government, the following negative data undermine child human rights:
- Teacher absenteeism has contributed to low quality. According to a World Bank study¹⁰, 45% of teachers were not in their classrooms during unannounced inspection visits of which 11% were not present at the school.
 - Only 34% of boys and 32% of girls can complete primary school¹¹. Long distances to and from school, food insecurity in families, beliefs, emotional distress, and collective hysteria are some of the causes that cause most children not to complete primary school.
 - There are three Regional Centres for Inclusive Education (CREI) to generate inclusive education practices, approaches, and methodologies that have been tested in a contextualized and approved context; however, there is no record of documentation and ratios in schools of these inclusive education practices.
 - 20% of children, from 0 to 5 years old, only 4% attended formal pre-school education¹². The problem of sexual abuse of children in schools continues, cases of harassment and sexual abuse continue to be reported.
17. Access to preschool education is quite limited in Mozambique. Access to pre-primary education in Mozambique is limited and optional. Several pilot projects have been developed but have never been expanded due to lack of funding. The lack of integrated early childhood development is a key factor for weak literacy and numeracy capacity in basic education (see UNESCO Report 2019).

- **Recommendation 14:** Pre-primary education is a fundamental right and should be compulsory, universal and free. To do so, there must be investment in pre-primary education.
- **Recommendation 15:** Documentation and replication of inclusive education methodologies and techniques.
- **Recommendation 16:** Adoption and implementation of mechanisms to combat teacher absenteeism. Students should be involved in this process .

X. Special Measures

18. **Child with Disabilities:** The National Plan of Action on Disability (PNAD) II 2012 - 2019 called for specific priority actions and determinants for the creation of well-being and development of children with disabilities, namely: (i) the expansion of the inclusive basic education system, (ii) access of the child with disability to all education subsystems, to people with disabilities, (iii) promotion at all levels of psycho-motor and social development of the child with disability through the practice of sport, (iv) promotion of the participation of the child and youth with disabilities in school sport, etc.
19. We are concerned (i) that PNAD's multi-sectorial approach does not go beyond its own role, one of the indicators being that in other sectors such as education, health, police, public works, justice, etc., they are unaware of PNAD, (ii) the fact that, until October 2020, MGCAS did not share the evaluation of PNAD II and, therefore, PNAD III has not yet been established.

¹⁰ World Bank 2016 – Education Service Delivery in Mozambique.

¹¹ MICS 2017

¹² INE 2007

20. **Children with Albinism:** Despite the vehement repudiation by the Mozambican state at all levels, there are still gruesome cases of abduction and death of people with albinism in Mozambique, with children with albinism being the most vulnerable. These acts are done for unknown and obscure purposes¹³, and these worrying occurrences are more prevalent in the central and northern provinces of the country. It is the right to life that is at stake. There are still reported cases of albino children missing but the authorities still have no clues about the perpetrators and there are cases with clues but still no judicial outcome.

- **Recommendation 17:** There is a need (i) for the involvement of the child with disability in the PNAD evaluation and formulation process and (ii) for clarification of the added value that PNAD has in the interventions of all key sectors in the realization of the rights and well-being of children with disabilities.
- **Recommendation 18:** We recommend evaluating the progress made in the implementation of measures to protect the albino person, paying particular attention to the vulnerability of albino children because of the high risk to which they are exposed.
- **Recommendation 19:** We recommend full implementation of the Regional Action Plan on Albinism and ensure that national laws and policies that protect people with albinism are aligned with the standards contained in the Regional Action Plan.
- **Recommendation 20:** We urge the government to give greater prominence to district governments to proactively, i.e., unofficially, interact regularly with traditional, religious and community leaders in preventing and restraining cultural and harmful practices against people with albinism.
- **Recommendation 21:** We recommend the government to seek successful experiences in other countries on the African continent also affected by harmful cultural practices against people with albinism .

XI. Armed Conflict with direct impact in Cabo Delgado, Manica and Sofala

21. **Armed Conflicts Affecting Children:** Mozambique is experiencing times of political instability with military tensions. The political-military conflict between the government and RENAMO peaked in mid-2012 and ended in late 2016, now in the process of reintegration of RENAMO's military personnel. However, it is regrettable the emergence of a dissident armed group from RENAMO, the RENAMO Military Junta that has created instability in the country since 2018, affecting some districts in Manica and Sofala Provinces. The northern part of the country is being hit by unidentified armed groups, with greater incidence to the north of Cabo Delgado Province.

22. This armed violence has affected not only the circulation of people and goods on the national roads, but has also had a negative and direct impact on children. Many families have lost their members and have been forced to move to areas considered safe, several schools and health units have been forced to close. As a result of these conflicts, a large number of children have had their school year interrupted, and are unable to meet or receive postpartum vaccinations or benefit from vaccination campaigns launched by health authorities, others live in refugee centres for displaced people. The face of children is more outstanding in the consequences and effects of these instabilities and military conflicts in Mozambique, they constitute one of the most vulnerable groups affected by the act of this violence.

- **Recommendation 22:** Establishment of basic social services for families and children affected by armed violence, especially in the north of the country .

¹³ See United Nations Independent Report on the Fulfilment of Human Rights by People with Albinism, Mme Ikonwosa Ero, in his visit to Mozambique for a detailed scenario and reasons behind assassination of people with albinism in Mozambique. Available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/433/59/PDF/G1643359.pdf?OpenElement> (accessed on 9th of October 2020). Maputo

XII. Children on the Move

23. **Child Refugee in Mozambique:** According to the National Institute for Refugees (INAR), by mid-2018 Mozambique had 40,358 foreigners as refugees, of whom 13,554, including children, are at the Marratane Centre in Nampula Province and the rest scattered throughout the country's provinces. Most of them come from Burundi, Congo Brazzaville, Ethiopia, Democratic Republic of Congo, Rwanda and Somalia¹⁴.
24. The UNHCR congratulated the Government of Mozambique for having demonstrated that a well-integrated refugee is not an additional cost than any other citizen. As an example, progress has been made on the specific case of refugee children attending school and in the design of facilities for children of refugees born in Mozambique to have provisional Mozambican nationality.

- **Recommendation 23:** We recommend strengthening basic social services at Marratane Refugee Centre, including MCH, birth vaccinations, psychosocial recreational support activities and child participation.

XIII. Children in Conflict with the Law

25. **Children in Detention Centres:** According to the Prosecutors' Office (PGR) study launched on August 18¹⁵, 2018, in 2015 there were about 15,663 inmates nationwide, of whom 1,389 were minors, in this case, the term minor referring to anyone under the age of 21. Of the 1,389 minor inmates, 461 were in pre-trial detention. There is no information on the number of minors who may have been taken into custody. We can consider that there has been an improvement if we consider that in 2013, there were 2,329 minors in prison nationwide, out of a total of 17,142 inmates.
26. **Children in Police Custody:** The treatment in police custody is worrying: the inmates are accommodated in small cells, mostly overcrowded and without sufficient air or light; allowed to leave the cell once a day to attend to a call of nature and hygiene needs; often also, they only had access to once meal a day if a family member brought them food or was offered by other inmates.
27. **Children in Court Sessions:** At the court sessions, the following concerns are highlighted:
- Often minors arrive at the court without identification documents and cannot confirm their real age;
 - The criminal record does not work, and repeat offenders are only recognized casually by employees;
 - Access to legal defence and legal assistance, as guaranteed by article 62 of the Constitution of The Republic Mozambique (CRM), the Statute of the Bar Association and the Law that created the Institute for Legal Sponsorship and Assistance (Law 6/1994) is often not an effective right, the defence lawyer being limited to offer assistance on the case without talking to the defendant beforehand, to hear his version of the facts and provide him with the clarifications he needs.
 - During the trial, some minors also complain that they have not had the opportunity to freely explain the facts. You are only allowed to speak by answering 'yes' or 'no' to the questions you are asked;
 - Local interpreters are not allowed for Portuguese into national languages and vice-versa, on the pretext of avoiding delays during trials; and in general

¹⁴ [http://jornaldeangola.sapo.ao/mundo/africa/refugees in Mozambique double in two years](http://jornaldeangola.sapo.ao/mundo/africa/refugees%20in%20Mozambique%20double%20in%20two%20years) (accessed on the 9th October 2020). Maputo

¹⁵ PGR, Children in Conflicts with the Law in Mozambique. Seeking Protection Strategy. A study financed by UNICEF Mozambique and undertaken by Aquino da Bragança Centre for Social Studies. The study geographically covered the cities of Maputo, Beira, Nampula and Maputo Provinces

f) There is little understanding of how the process works. Often, when the prison sentence is handed down and it is not suspended, which causes challenges, noting that in the case of re-incidence, the child on whom the prison sentence was imposed should serve the first sentence that was suspended and the new sentence.

28. **Minors vs. Convicted Sentencing:** At the sentencing stage, most of the minors found had been sentenced to prison for theft and bodily harm. In the execution of the sentencing, two factual experiences are verified:

- a) In penitentiary establishments designed for adults, minors are mixed with adults, in their testimonies they have confirmed that, many times, the treatment given is worrying, they suffer mistreatment and reprisals.
- b) Minors incarcerated in Boane Special Juvenile Recovery Penitentiary Facility, inaugurated in 2011 to house convicts between 16 and 21 years of age.

29. In regarding the child protection legal framework (eg. Lei Law of promotion and protection of children's rights, Law of prevention and combat premature unions, Law against traffic in person especially Woman and children), There are two perspectives to be taken into account in order to make their implementation feasible, which are: (i) Compilation and regulation of all articles whose effectiveness and implement results in administrative acts; and, (ii) compilation and procedural framework of all articles with a content of a criminal nature and regime in a single procedural document to allow Public Prosecutors and Judicial Magistrates to have easy access and apply all existing criminal penalties and procedures in the Mozambican Criminal law

- **Recommendation 24:** Adoption of a strategy to implement Judgment 4/CC/2013.
- **Recommendation 25:** Reform of the legal framework on the arrest and custody of minors, harmonized with the rules of international law ratified and recognized by the country, including the Luanda Rules of 2014.
- **Recommendation 26:** Intensify the improvement of detention conditions for minors in Correctional Facilities.
- **Recommendation 27:** Compilation and regulation of administrative procedures; and compilation of judiciary procedures responding to all substantive criminal clauses in one instrument.

XIV. Children of Imprisoned Mothers

30. **Children of Imprisoned Mothers:** In Mozambique there is only one female prison for inmates, which is Ndlavela Female Prison, located in Matola Municipality, Maputo Province. This means that the situation of inmates in jails in 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 where inmates are pregnant, nursing mothers, and become mothers inside the prisons. Despite the government's claim that all female inmates benefit from free MCH services, and others, it does not give figures for inmates who are in prison, nor does it indicate the number of children of mothers who are in prison throughout the country.

- **Recommendation 27:** The provision of statistical data on children of imprisoned mothers throughout the country and the type of real assistance provided to this group of children.
- **Recommendation 28:** Implement, in accordance with the CRC, norms favourable 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 detention and imprisonment.

XV. Children from and on the Street

31. **Children from and on the Street:** The government has estimated about 400 children in and from the street in Maputo city but this data does not cover the whole country but only the main cities, and (ii) concrete actions that have been implemented throughout the country for the

well-being and recovery of these children. These children not only enjoy the same human rights, but also deserve special attention.

- **Recommendation 29:** The survey on the situation of children from and on the street throughout the country.
- **Recommendation 30:** Adoption of an integrated plan of concrete actions for the protection and well-being of children in difficult situations .

XVI. Children's Rights and Extractive Industries, Public Works and Business in General

32. Vulnerability of Children in Major Public Works and Mining Sector: In the business scenario in Mozambique, in the different sectors of activity, one of the main evidences that puts at risk the protection of child welfare is the non-existence of a code of conduct on human rights and child protection policies in the following areas (i) business sector, (ii) environmental pollution, (iii) resettlement, (iv) company surveillance against child labour and other phenomena originated by the business sector that generate child abuse, violence and neglect. The facts show that there is a vulnerability in which children are exposed in any major public work, where children provide domestic services to seasonal and/or full-time workers in the works, and others have had sexual relations with them, even becoming pregnant, in the case of road construction, this happens in all communities crossed by the work, and the companies in which they are affiliated are silent about these behaviours. The same is contextually applicable to the extractive industry and business value chain.

33. The Fundamental Child Rights in Population Resettlements Resulting from Large Businesses: The main concerns include that communities are not consulted and informed about environmental impact studies (i) they are resettled in places where they lack fundamental means of survival, without schools, (ii) basic child rights are not considered and respected and (iii) affected populations are exposed to pollution caused by industries and the particular impact on children's lives, health and development. The exploitation of natural resources in an unsustainable way compromising the lives of communities, the survival and development of children and the lives of future generations are a concern.

- **Recommendation 31:** Adoption of the Code of Conduct on the Protection and Safeguarding of Children in Business.
- **Recommendation 32:** Companies and corporations respect human rights, children's rights, families and the community, respecting the national and international legal framework with particular attention to environmental rights.
- **Recommendation 33:** Need to add measures and prevent and mitigate the risks of violation of environmental rights caused by the collateral effects of extractive industries.

XVII. Child Labour

34. About 1,108,334 children from 7 to 17 years of age¹⁶ are engaging in Child Labour in various branches or sectors of activities in Mozambique. Child labour in Mozambique is one of the main elements of child rights violations, inhibiting the right to education, health and leisure and interfering with their physical, psychological and moral development.

- **Recommendation 34:** The implementation of punitive measures for child labour exploiters is urgent.
- **Recommendation 35:** Policies and programs should be developed with clear activities and indicators to prevent and combat child labour.
- **Recommendation 36:** There is a need to develop and strengthen programs to raise awareness of families and communities regarding the problem of Child Labour;

¹⁶ QUALITATIVE STUDY ON THE PHENOMENON OF CHILD LABOUR AND ITS IMPACT IN MOZAMBIQUE (2014-2016) <http://www.mitess.gov.mz/sites/default/files/documents/files/RELATORIO%20FINAL%20ESTUDO%20TRABALHO%20INFANTIL%20PDF.pdf>, (accessed on the 9th of October 2020). Maputo

Summary of Issues of Interest and Recommendations for "Child Focus CSO UPR Supplementary Report, 2020."