



REPÚBLICA DE MOÇAMBIQUE
COMISSÃO NACIONAL DOS DIREITOS HUMANOS

In partnership with:

**Southern Africa Regional Seminar
of National Human Rights Institutions:
*Summary Report***



Topic: National Human Rights Commissions Monitoring Child Rights

Maputo, November 27th – 29th 2018



Save the Children



1. INTRODUCTION

The Regional (Southern Africa) Seminar of National Human Rights Institutions (NHRI) was held on November 27 – 29 2018, at VIP Hotel, in Maputo City. In total, the event was attended by 58 participants – representatives of NHRI/National Human Rights Commissions of Malawi, Zimbabwe and Eswatini, representatives of the Child Parliament, the President, Commissioners and staff of the NHRC-Mozambique, representatives of CSOs (including Rede da Criança, Rede CAME, ROSC, Save the Children, World Vision), representatives from government institutions.

This seminar is a follow up event of the training on child participation and monitoring of child rights held in Malawi in 2017 which was attended by NHRIs from Malawi, Mozambique and Zimbabwe, and representatives from CSOs and government institutions in Malawi. The participants in the

Malawi training workshop identified the need for further strengthening the capacity of National Human Rights Commissions (NHRC) on child participation, monitoring of child rights and other oversight roles as highlighted in the UN CRC General Comment no. 2 and the Paris Principles.

During the Malawi training workshop, it became apparent that the different NHRCs are at different capacities and levels in the implementation of their roles and mandate with some having a division/unit specifically dedicated to child rights while others don't have such structure or support. Further, while Malawi had met the Paris Principle Category A by 2016, Mozambique and Zimbabwe had not. Therefore, the continuous engagement and sharing of lessons by the various NHRC in the region is one of the many ways of enhancing their capacities.

2. OBJECTIVES OF THE SEMINAR

The overall objective of this regional seminar was to strengthen the NHRI monitoring capacity on child rights.

The specific objectives were:

- Countries to share their work and experience on meaningful child participation, generate some lessons of how and what can, contextually, be done better as a follow up to the training on child participation held in Malawi in 2017.
- Provide a space where NHRIs can share their work, successes and challenges in the child rights field, enabling real opportunity for mutual learning and experience exchange.
- Strengthen capacity of the NHRIs from Southern Africa in their oversight roles in promoting and protecting child rights.
- Strengthen visibility of NHRI in the child rights field and also among CSOs.
- Strengthen the understanding of a well functional independent monitoring mechanisms for

Time	DAY 1: November 27th 2018, Tuesday
08:00 – 08:30	Participant Registration Cultural Groups
08:30 – 10:30	<p>Open Ceremony: MC – Ernesto Cassimuca Lipapa (Commissioner) <i>National Hymn of Mozambique</i> <i>African Hymn</i></p> <p>Speech: Child Parliament Save the Children Country Director President of NHRC-Mozambique President of the Parliamentarian Commission of Constitutional Affairs, Human Rights and Legality End of the open ceremony and “Family Photo”</p>
10:30 – 11:00	Tea/Coffee break
11:00 - 13:00	<p>Moderator: Lalaine Stormorken Personal Introduction Objectives and expectations – Luís Bitone (President of NHRC)</p> <p>Main Topic: <i>Models and mandate of NHRCs</i> (20 mins)</p> <p>Panel 1: Alignment to the models and mandate of NHRC</p> <p>Malawi – 10 mins Zimbabwe – 10 mins Eswatini – 10 mins Mozambique – 10 mins</p> <p>Main Topic: <i>Child Rights Monitoring</i> Child Rights monitoring, reporting and follow ups with treaty body mechanisms and role of NHRCs 1st Presentation: <i>CRC and African Charter</i> (MGCSW) – 20 mins 2nd Presentation: <i>Human Rights Declaration</i> (MJCRA) – 20 mins</p>
13:00 – 14:00	Lunch break
14:00 – 16:45	<p><i>Child Rights Monitoring</i> - Continuation: Children supplementary report (Child Parliament) – 10 mins CSO supplementary report (RDC/ROSC) – 10 mins Plenary discussion – 20 mins</p> <p>Paine 2: Engagement of NHRC in Child Rights monitoring (10 mins each)</p> <p>Zimbabwe, Moçambique, Malawi and Eswatini</p> <p>Update: Human Rights Treaty Body Reform 2020 (SC-Norway) – 20 mins</p> <p>Main Topic: <i>Child Participation</i> – Introduction to the 9 requirements of child participation – (SC-Norway) Preparing for the field work in the following day – (NHRC-Moz and SC-Moz) – Including Child safeguarding</p>
16:45	Recap of Day 1 session
17:00	End of the day 1 session

AGENDA (cont'd)

Time	DAY 2: November 2018, Wednesday
08:00 – 08:30	Participant Registration
08:15 – 09:15 10:00	Filed work: Departure to the field: Group 1: Maputo Province Visit to Casa Gaito Interactive meeting with Child Parliament Group 2: Maputo City Visit to 1 st of May Care Center Meeting with Child Parliament Field group/team work: Discussing the field work, identify lessons and recommendations (Group 1 & 2)
17:00	End of the day 2 session

Time	DAY 3: November 29h 2018, Thursday
08:00 – 08:30	Participant Registration
08:30 – 10:00	Child Participation: Pots and beans exercise (assessing the implementation of 9 requirements) – 30 mins Presentation: Field work feedback (Group 1 & 2) – 10 mins each <i>Plenary discussion</i> NHRCs and Child Participation: Panel discussion (NHRCs) Moderator: Child Parliament Panel 3: What each NHRC is doing in promoting child participation? – Session to be facilitated by the Child Parliament Eswatini, Malawi, Mozambique and Zimbabwe
10:00 – 10:30	Tea/Coffee break
10:30 - 13:00	Moderator: President of NHRC-Mozambique Main topic: <i>Experiences in the promotion of child rights and child protection</i> 1st Presentation: <i>Preventing and ending early marriage in Mozambique</i> (MGCSW, MINT and CECAP) – 30 mins (15 mins each) Panel discussion – Scenario, progresses and actions to date in each country (NHRCs) Mozambique, Malawi, Zimbabwe and Eswatini Moderator: SCI-Malawi 2nd Presentation: <i>The context of children in contact with the law in Mozambique</i> – (15 mins) Panel 5 – The scenario, progresses and actions to date in each country (NHRCs) Malawi, Zimbabwe, Eswatini and Mozambique
13:00 – 14:00	Lunch break
14:00 – 16:45	The way forward: Main action proposed actions by each NHRC in (i) Child Rights Monitoring and (ii) Child Participation: Countries team work – 30 mins Plenary presentation – 10 mins each Outcome recommendations from the Maputo Regional Seminar of NHRC Closing ceremony – to be led by NHRC-Mozambique
17:00	End of the seminar



PORTUGUÊS	INGLÊS
<p>I. General Recommendations:</p> <p>As CNDH:</p> <ol style="list-style-type: none">1. Estão comprometidas a promoverem e disseminarem os direitos da criança2. Precisam de melhorar seu engajamento no campo dos direitos da criança3. Estão comprometidas a aumentarem a sua sensibilização pública e visibilidade sobre os direitos da criança a todos os níveis da sociedade (local a nacional). <p>II. Participação da Criança</p> <ol style="list-style-type: none">4. Todos os Comissários e Funcionários das CNDHs aprimorarão suas habilidades e capacidade de engajarem-se com crianças de forma significativa, incluindo a aplicação dos 9 requisitos de participação da criança, conforme está articulado pelo Comentário Geral 12 da CDC. <p>As CNDHs:</p> <ol style="list-style-type: none">5. Farão uma planificação adequada para regularmente envolverem e interagirem com as crianças, incluindo criar mecanismos para tornar as CNDHs acessíveis às crianças, de modo a permitir que expressem suas opiniões e sejam ouvidas.6. Comprometem-se a consultar as crianças e incorporam as opiniões das crianças na preparação de relatórios para o Comitê da CDC, o Comitê Africano de Peritos sobre a CADBEC e o Conselho de Direitos Humanos (para a Revisão Periódica Universal)7. Devem, juntamente com as Organizações da Sociedade Civil (OSC), defender e apoiar o governo para desenvolver e adotar guia orientador da participação da criança (política, estratégia, etc), para incentivar a participação significativa da criança, a todos níveis dos processos de tomada de decisão.	<p>I. General Comments</p> <p>NHRCs:</p> <ol style="list-style-type: none">1. are committed to promote and disseminate child rights2. need to enhance its engagement in the child rights field3. are committed to increase their public awareness actions and visibility on child rights at all levels of society (local to national). <p>II. Child Participation</p> <ol style="list-style-type: none">4. All Commissioners and staff of NHRCs should enhance their skills and capacity to engage with children meaningfully, including applying the 9 child participation requirements as articulated in the CRC General Comment 12 <p>NHRCs:</p> <ol style="list-style-type: none">5. Will be doing a proper planning to engage and interact with children on a regular basis, including putting in place mechanisms to make NHRCs accessible to children to enable them to express their views and be heard.6. Are committed to consult children and incorporate children's views in the preparation of reports to the CRC Committee, the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) and the Human Rights Council (for the Universal Periodic Review)7. Should together with Civil Society Organizations (CSO) advocate and support government to develop and adopt appropriate child participation guidelines (policies or strategies) to enhance meaningful child participation at all levels of decisionmaking process.



III. Monitoria dos Direitos da Criança

As CNDHs:

8. Estão comprometidas em efectivamente monitorarem os direitos da criança, seja através dos tratados internacionais (CDC, CADBEC e DUDH), seja através da legislação e políticas nacionais, para efeitos específicos produzirão relatórios que reflectem a realidade dos seus próprios países
9. Deverão proactivamente monitorar orfanatos, cheches, centros de cuidados infantis, centros de crianças que necessitam de cuidados especiais, etc, para verificar o cumprimento de políticas existentes sobre estas instituições e realização dos direitos da criança.
10. Submeterão relatórios complementares ao Comité da CDC, ao Comité de Especialistas da CADBEC e Conselho dos Direitos Humanos (Revisão Periódica Universal), sobre os progressos, e gaps na implementação dos direitos da criança.
11. Em cooperação com OSC, e outros intervenientes, irá advogar e apoiar o governo na elaboração do plano das Observações Conclusivas do Comité da CDC, do Comité de Especialistas da CADBEC e do Conselho dos Direitos Humanos (Revisão Periódica Universal).

IV. Criança em Conflito/Contacto com a Lei

12. As CNDHs acordaram em, dentro de seus mandatos, reforçarem a sua monitoria para assegurar que as leis, políticas e práticas relativas a crianças em conflito/contacto com a lei, estão em conformidade com a CDC, CADBEC, DUDH e outros padrões internacionais relevantes.

V. Child Marriage

As CNDHs:

13. Comprometem-se em melhorar o seu engajamento no esforços em curso contra os casamentos prematuros, incluindo a necessidade de influenciarem plataformas nacionais que combatem os casamentos prematuros.

III. Child Rights Monitoring

NHRCs:

8. Are committed to effectively monitor child rights and implementation of international treaties (CRC, ACERWC, UDHR), national legislation and policies, and produce reports that reflects the reality of their own country;
9. Will be submitting complementary reports to the CRC Committee, the ACERWC and the Human Rights Council (for the Universal Periodic Review) on progress and gaps in child rights implementation.
10. Should proactively monitor orphanages, creches, child care centers, centers for children in special care needs, etc, monitoring their compliance with existing policies for these care institutions and fulfillment of child rights in general.
11. Will cooperate with CSO and other stakeholders to advocate and support government in making a plan on the implementation of the Concluding Observations (recommendations) from the CRC Committee, the ACERWC and the Human Rights Council (Universal Periodic Review)

IV. Children in Conflict/Contact with the Law

12. NHRCs agreed to, within their mandates, to reinforce their monitoring role, in order to ensure that laws, policies and practices pertaining to children in conflict/contact with the law are in compliance with the CRC, ACERWC, UDHR and other relevant international standards.

V. Child Marriage

NHRCs:

13. Are committed to enhance their engagement in their efforts against early marriage, including the need to influence national platforms fighting child marriage



PORTUGUÊS

INGLÊS

14. Comprometem-se em advogar pela emenda ou adopção de leis que proíbem pessoas abaixo de 18 anos (sem nenhuma excepção) de se casarem. Em países em que estas leis já existem, trabalharão com instituições do governo e judiciais para implementação dessas leis.
15. Em cooperação com OSC e outros intervenientes (incluindo líderes tradicionais, professores, pessoal de saúde) levarão acabo uma ampla e massiva campanha de sensibilização a todos níveis (desde o local ao nacional) usando varias formas, para advogar pelo fim de casamentos prematuros.

VI. Outras Recomendações

16. As CNDHs advogarão pelo incremento do orçamento e recursos humanos para que possam cabalmente cumprirem com o seu papel e mandato com a efectividade desejada.

14. Advocate for amendment of laws to prohibit persons under 18 years old (without exception) to enter into marriage, and in countries where such laws already exist, work with government institutions including the judiciary to enforce such laws.
15. In cooperation with SCO and other stakeholders (including traditional leaders, teachers, health workers) embark on broad awareness-raising campaigns at all levels (from local to national) using various forms of media including social media to advocate for an end to child marriage.

VI. Other Recommendations

16. NHRCs to advocate for increased budget and human resources to fulfill their roles and mandates with the desired effectiveness.



A girl child, member of the Child Parliament, networks with Chance Briggs, SCI-Mozambique Country Director, during a lunch break.



MALAWI



Child Participation

- Advocate and lobby to government to emulate the Mozambique concept of Child Parliament, in terms of being primarily supported by government in both policy inclusion and funding.
- Support government to develop and adopt a national Child Participation Guideline in collaboration with Malawi NHRC and CSOs
- Ensure that children have meaningful engagement with the media including access to media platforms like TVs and radios
- Increase the visibility of MHRC to child rights institutions and CSOs
- Standardise the concept of Learners Councils
- Proper planning when engaging with children (consider logistics, time, objectives, etc)

Child Rights Monitoring

- MHRC and CSOs to be more involved in monitoring private institutions of alternative care
- More child participation in the monitoring/reporting of child rights to the UN CRC Committee

Child Marriage

- Continue campaign on ending child marriage through social norm change
- Strengthen coordination of key stakeholders working towards ending child marriage, with the MHRC leading the coordination
- Work more closely with the Ministry of Justice to improve access to justice for child survivors

ESWATINI

Child Participation

- Review the mode of Child Parliament as a child participation approach
- Broaden the mandate of Child Parliaments to include child rights and not just issues coming from the Department of Education
- Establish national child participation forums
- Partner with other stakeholders, such as Unicef and Ministry of Education



Child Rights Monitoring

- HRC to start programme of visiting child care institutions
- Visit juvenile institutions at least 3 times/year; partner with NGOs
- Establish which monitoring standards exist



SUMMARY OF MAIN PROPOSED ACTIONS PER COUNTRY

ZIMBABWE

Child Participation

- Assess effectiveness of Child Parliament in Zimbabwe; support capacity building, if needed, so they can participate in treaty body reporting
- Promote a child participation regional forum for SADC
- Advocate for budget for child parliament as from 2019
- Engage with parliamentarians



Child Rights Monitoring

- Actively participate to coordinate monitoring work on child marriage

Child Marriage

- Follow-up/monitor passage of Child Marriage Bill
- Advocate for National Action Plan to End Child Marriage

The above recommendations will be presented to the Chair of the Zimbabwe HRC.

MOZAMBIQUE

Child Rights Monitoring

- Monitor child care centers in partnership with CSOs

Child Marriage

- Lobby and advocacy to have law against child marriage approved and review child rights laws; also advocacy to increase marriageable age to 18 years old

Children in conflict with the law

- Advocate creating youth rehabilitation centers

Other recommendations:

- Internal training at MHRC, strengthen partnerships and increase financing to implement HRC plans
- Intensify use of social media
- Follow-up cases about children in Mozambique



5. OPENING CERIMONY



The opening ceremony was addressed by the President of the Parliamentary Commission of Constitutional, Legal and Human Rights Affairs, of Mozambique, Dr. Edson Macuacua, which was also attended by the President of NHRC-Mozambique, President-Judge of the Constitutional Council of Mozambique, the President-Judge of Supreme Court of Mozambique, the Head of the National Association of Lawyers of Mozambique (Bastonário da Ordem dos Advogados de Moçambique), MPs of the National Parliament, representative of NHRIs from Mozambique, Zimbabwe, Malawi and Eswatini as well as representatives of CSOs, government agencies and institutions.

The opening session was addressed by the President of the Child Parliament – Maputo City, Country Director of SCIMOZ, President of NHRC -Mozambique and the President-Judge of the Constitutional Council of Mozambique

In his intervention, the President of Child Parliament-Maputo City highlighted the fact that this regional seminar was taking place in a month in which the world was celebrating the 29th anniversary of the CRC. He recalled the four basic principles of the CRC (non-discrimination, development and survival, participation and the best interest of the child) and the role of the family in the fulfillment of child rights. He further shared his expectations about the seminar - to learn and hear how the NHRIs from other countries in the region are engaging with children, starting from their monitoring role and as independent institutions.

In his speech, Chances Briggs, Country Director of SCIMOZ said that SCIMOZ children are the main beneficiaries of this regional seminar, this event will be adding significant value in the improvement of the child rights approach of each NHRI,



Isaias Pedro Uqueio (President of Maputo City Child Parliament)

including in its the regular interaction with children.

Dr. Luis Bitone, President of NHRC-Mozambique mentioned the progress made to date by Mozambique in domesticating different child rights related international treaties/conventions. However, despite such progress, there is still a need to improve specifically on child participation at different levels of public decisionmaking processes, prevention and fighting against child marriage, harmful traditional practices, child trafficking and child labor. There are still challenges that need to be addressed urgently in order to respond to child rights related commitments made by the State of Mozambique. The regional seminar is going to contribute to strengthening the capacity of each NHRI in order to address the existing child rights challenges that are under the mandate of NHRI.



The formal opening speech was addressed by Edson Macuacua, President of the Parliamentary Commission of Constitutional, Legal and Human Rights Affairs, who welcomed the participants, inviting foreign guests to enjoy the beauty of Mozambique and to enjoy their stay in the country.

Continuing, he highlighted five fundamental premises that should be taken into account in the discussions and debates: (i) transnationality and transuniversality of children's rights; (ii) importance and necessity of child participation; (iii) child rights assumption synthesized in

economic and social well-being, material and spiritual as a criterion for the effectiveness of democratic State and leadership, iv) recognizing that the proclamation of children's rights has a fundamental political value that must be complemented by concrete actions that materialize these rights through plans and programs, and v) discussions about child rights should take into account the African and Mozambican reality that occurs in two dichotomies: globalization and localization; modernity and tradition. There are good practices as well as harmful ones based on culture and traditions that we should work to eradicate.



Opening Ceremonies: Chance Briggs (SCI Mozambique Country Director), Dr. Edson Macuacua (President of the Parliamentary Commission of Constitutional, Legal and Human Rights Affairs), Dr. Luis Bitone Nahe (President of the Mozambique Human Rights Commission), Isaias Pedro Uqueio (President of the Child Parliament-Maputo City)

6. SUMMARY OF SESSIONS/DISCUSSIONS OF THEMATIC ISSUES



6.1 Models and mandate of NHRCs

The President of NHRC-Mozambique, Luís Bitone, in his reflection on the subject, highlighted the following:

- During the previous regional seminar in Malawi, there was an exchange of ideas and experiences about child participation and the monitoring mechanism;
- This seminar is a continuation of the discussions initiated in Malawi and new topics have been added for discussions:
 - ◇ Models and mandates of the NHRI from SADC countries
 - ◇ Monitoring of child rights
 - ◇ Child participation
 - ◇ Promoting and protecting child rights including the context of children in conflict or contact with the law.

A brief presentation on the 'Models and Mandates of NHRCs' presented by SCI Malawi Child Rights Governance Manager Donnex Bengo (see Annex 1) was followed by a panel discussion among the Commissioners from the 4 countries represented, exchanging information and experience about the work of the NHRI/NHRC. Below is the summary of this discussion:

NHRC-Malawi

- ⇒ The functioning of the NHRC-Malawi is provided by the Constitution of the Republic and operates according to the Paris Principle. It started operating as a unit, now it has 10 Commissioners. Its mandate includes investigation of violation of child rights. It presents its reports to the State of Malawi. In terms of achievements, it has (i) strengthened relations with strategic ministries and institutions for Human Rights, (ii) influenced and encouraged the Government to sign some important treaties that promote and protect child rights and (iii) been producing its regular reports.

NHRC-Zimbabwe

- ⇒ It is a hybrid commission as it also includes Ombudsman as its member. All the Commissioners, except the President have thematic areas (Child Rights, Political and Civil Rights, Economic Rights, among others). In terms of achievements, the NHRC-Zimbabwe (i) has been engaged in advocacy although it is still weak, (ii) has presented some human rights related 'warnings' through media communication, up to now none related to child rights, (iii) has been monitoring the implementation of UPR recommendations. However, government implementation of these recommendations need to be improved.

NHRC-Eswatini

- ⇒ The mandate of the Commission is constitutional, it was established in 2009 and has 3 mandates (public administration, integrity and human rights). It has 4 Commissioners and all work on part time basis, currently the NHRC-Eswatini is engaged in the accreditation process. It has three major responsibilities: promotion and protection of human rights and investigation of violations. It is an independent institution from an executive point of view, but is not the same from administrative point of view.



SUMMARY OF SESSIONS/DISCUSSIONS OF THEMATIC ISSUES

NHRC-Mozambique

⇒ The Commission was established in 2009 and started operating in 2012, it has 11 Commissioners, only one, the President, work on full time basis. The Commissioners come from various stakeholders (Government, Parliament and Civil Society). It has as its pillars: promoting, monitoring, protecting human rights. It operates through State budget. The NHRC-Mozambique has the following challenges: (i) Increase the number of full-time Commissionaires, ensure representativeness of the NHRC at the national level and increase the number of its technical staff.

Summary messages of the session:

- Visibility and accessibility of HRIs by children is paramount
- NHRIs should strive to establish a department or unit on child rights
- Assert independent status of NHRIs
- Advocate for increased funding
- Lobby for interactive space



Donnex Bengo, SCI Malawi Child Rights Governance Programme Manager, giving an introductory presentation on 'Models and Mandates of NHRCs'



6.2 Child Rights Monitoring

In this topic the panelists highlighted that it is not possible to speak about human rights without talking about (i) the Universal Declaration of Human Rights (UDHR), and (ii) child rights. All the SADC countries have signed the UDHR and ratified the UN CRC, and there is no single country without human rights and child rights formal and informal monitoring framework in place.

In this topic, the panelist highlighted the following:

- Civil society plays a key role in the monitoring process of child rights
- Meeting and addressing child rights is at the center of the formulation of government policies, programmes and plans
- Child rights are part of NHRIs mandates, so NHRIs are challenged to proactively work with relevant State institutions in the process of monitoring child rights. There is a lot to be done in this field
- In general, within society, the awareness level on child rights is low in all the countries, that is why there are many children who are deprived of enjoying the rights they are entitled to
- Education is a priority area in all the countries. In the 4 countries represented in the seminar, the governments are investing more on education. NHRIs are not playing their role of monitoring child rights in this sector, raising issues of quality education and effective inclusive education

6.3 Child Participation

The Nine Child Participation Principles

The UN CRC Committee in its General Comment 12 ('The right of the child to be heard', 2009) has outlined the nine requirements of all processes where children participate: transparent and informative; voluntary; respectful; relevant; child friendly; inclusive; supported by training; safe and sensitive to risk; and accountable. Children should be consulted and their point of view should be taken into account in all issues and decisions that affect them, as children are experts in their own lives. There is a very strong linkage between monitoring of child rights and child participation. NHRIs should get to know and apply the requirements and principles of child participation in their work including child-informed monitoring of child rights.



Group Exercise – UN CRC Nine Requirements for Child Participation



SUMMARY OF SESSIONS/DISCUSSIONS OF THEMATIC ISSUES

Panel Discussions: State of child participation in each of the countries represented

Question: What are NHRIs doing to promote child participation?

Mozambique:

- (i) The government does receive the children's concerns and their contributions are taken into account in the formulation of child rights related laws and programmes. (ii) In general children are not involved in public decision-making process, but this does not mean that there is no interaction between decision-makers and children at different levels, (iii) there are Child Parliaments at district and Provincial levels. Child Parliaments, at all levels, has been having public debates and interactions with decision-makers, (iv) Child Parliaments are not the only child participation forum, there are many others, (v) the government is working on a national child participation guidance for Child Parliaments and (vi) in 2019 there will be the 7th National Session of Child Parliament.

Malawi:

- (i) Ratified the CRC in 1991 and the African Charter, (ii) the Malawi NHRI is involved in monitoring process of these international children's treaties, (iii) in 2015 the CSO coalition on child rights submitted a supplementary report for the UN CRC recommendations (iv) NHRC-Malawi has been engaging in the monitoring process of the implementation of the CRC Committee recommendations, (v) the awareness of child rights is also done through leaflets, (vi) Malawi does not formally provide for Child Parliaments but Juvenile/Youth Parliaments. However at district level there are vibrant initiatives that promote Child Parliaments, including District Child Parliaments being piloted in 2 districts with support from Save the Children Malawi. These are some of the opportunities where children are able to hold duty bearers accountable on child rights related issues, including influencing the National Parliament.

Eswatini

- (i) The consultation and involvement of children in public decisionmaking process is very limited, and sometimes they are excluded from debates that are relevant to their rights. There is a lot more to do in this regard, (ii) However, children take part in advocating for their rights, (iii) there are difficulties in monitoring the implementation of CRC Committee recommendations (iv) the NHRC-Eswatini and CSOs are engaged in a process of establishing an active child participation mechanism, there is already a Child Parliament in Eswatini, although it is not properly organized as in Mozambique, and (v) there are some cultural practices that are harmful to children, some of them preventing them to participate meaningfully in public decisionmaking processes.

Zimbabwe

- (i) CSOs have not yet submitted any CRC supplementary report, (ii) the NHRC-Zimbabwe has been promoting child rights, (iii) it has not acted on complaints directly submitted by children, there are only child rights related complaints submitted by adults, and (iv) Zimbabwe has a Child Parliament in place, (v) the NHRC-Zimbabwe does not interact much with the Child Parliament



6.4 Field Visits

The field visit was conducted in the second day, where the *Infantário 1° de Maio* located in Maputo City and Casa Gaiato located in Maputo Province were the visited institutions.

6.4.1. Visit to *Infantário 1° de Maio*

Infantário 1° de Maio is a government institutional children care center established in 1975, after national independence with the capacity to host 50 children in total. In the day of the visit, it had a total of 51 children, among them 23 girls and 28 boys, out of them 9 are below 3 years old children, 10 are between 3 to 5 years old and the remaining between 6 to 16 years old. In 2018, about 207 children had been admitted to this *infantário*.

Main Findings in *Infantário 1° de Maio*

- Direct involvement of government to make this center functioning properly
- It hosts three types of children: orphans, abandoned or rejected by their family and lost children
- The process of receiving children begins in the community, local police stations, DPGCAS (represented in all districts by the Social Action)
- The majority of hosted children are those needing special care
- Medical care is provided by the government
- There are ways to reintegrate/reunite the children under 3 years old, can be through adoption or sponsorship;
- Children above three years old are sent to open centers (these are private centers some of them are handled by faith-based organisations (FBOs))
- This center does not receive any external support or funding.

Infantário 1° de Maio: Proposed Actions Forward

- NHRIs should further explore and learn about government direct involvement and support to child care centers like this, bearing in mind that in other countries they are under private management
- Conditions should be provided to ensure that psychological support is provided for the hosted children in these centers, caregivers and the staff who oversee these children
- Technical trainings and refresher courses should be provided to caregivers and staff, mainly those dealing with children needing special care, to continually improve the quality of services provided to the children
- The center should continue caring and hosting differently abled children since if it only hosts children with disability it may be perceived as a DPO care center. This is in line with promoting inclusive approaches to be adopted everywhere
- Proper preparation should be done in visits like this, so that visitors are briefed and trained on how to have interaction with this type of children, and whenever necessary, technical specialists should come in for the preparation and also facilitate interaction with the children



6.4.2. Visit to Casa Gaiato

Casa Gaiato has been operating since 1966 (before independence). It used to be based in the current ACIPOL¹ facilities, and in 1994, the current infrastructures were built with the support of the European Union. And in 1995 Casa Gaiato restarted operating fully. Currently it has 160 children, all boys, and carries out different activities from education, agriculture, carpentry, livestock and others.

a) Casa Gaiato, Main Findings:

- Casa Gaiato belongs to a FBO². It has a primary and first cycle of secondary school, and it does not include only internal children but also children from the surrounding communities
- Casa Gaiato has been referred as commendable in using religious principles to address deviant behavior of children and youths, mainly those who have recovered from drugs and alcohol.
- The integration of children between 3 - 12 years old, is according to the established selection criteria by the center (research individual story of each child, participation of community, public and private institutions)
- Casa Gaiato does receive children referred from government child care centers like Infantario 1° de Maio, and it only receives male children
- Often there is appropriate follow up to children and youths reunified with their family

Proposed Actions Forward:

- In order to be better equipped to interact with children under institutional care context, NHRIs should be familiarized with the existing legal framework about these institutional care centers, including Casa Gaiato.
- NHRIs should also monitor child rights in the institutional care centers for children

6.4.3. Meeting with Maputo Child Parliament

a) Main findings at the meeting with the Child Parliament

- The Young MPs have commendable knowledge about child rights and duties
- They are directly involved in the process of promoting and protecting their rights and in solving the problems they face
- Their structure and working model facilitate their engagement in problem solving/resolution
- At national level, the Board of the Child Parliament (President, Vice-President, Secretary and Head of the Committees) are elected by fellow Young MPs. Representatives of the school Child Parliament in the district level are appointed by children themselves. At school level to be part of the Child Parliament is on voluntary base.

¹ POLICE TRAINING CENTER

² CATHOLIC CHURCH



SUMMARY OF SESSIONS/DISCUSSIONS OF THEMATIC ISSUES



- Child Parliament report and raise children's issues/problems to the government, including specific issues related to children with disability. Young MPs interact with fellow children in their home areas to identify issues that affect children. The Child Parliament has 4 Committees (Advocacy, Education, Health and Environment)
- There is a week dedicated to participation of Children with Disabilities in the Child Parliament
- There is a need for them to be trained or have refresher course in sign languages and other ways that can equip them to be able to deal and interact with children with disabilities. This will allow the young MPs to better integrate children with disability into the Child Parliament.

b) Proposed Actions Forward:

- NHRIs should get to know how child-led advocacy platforms are operating in their own country, and contribute to their empowerment and development
- NHRIs should be more involved and interact more with existing child participation platforms
- Engage a mentor to support the work of child participation platforms like Child Parliament such is in the case of Mozambique
- An exchange opportunity interaction and experience among child-led advocacy platforms like Child Parliaments should be promoted in Southern African
- Child-led advocacy platforms like Child Parliament should have training at all levels on how to integrate and deal with children with disabilities or with special care needs. This type of training will help to remove the barriers that exist behind the lack participation of children with disabilities in child participation platforms
- Children with disabilities should be mobilized to be able to engage and be part of child



Human Rights Commissioners (Eswatini, Mozambique, Zimbabwe) with Some Young MPs of Maputo City Child Parliament



7. PREVENTING AND FIGHTING EARLY/FORCED MARRIAGE

a) Main findings of the panel

- Cases of early/forced marriage in Zimbabwe are serious, the prevalence is 32%. A 2016 study in Zimbabwe found that mothers are often the ones who push their young daughters into early marriage. Families are key to interventions to end early marriage.
- Once the Child Marriage Bill is enacted, child marriage will be criminalized.
- In Malawi the prevalence of early/forced marriage is also high at 42%, meaning one in two girls is married
- In Mozambique there is 'no early marriage' but forced marriages as they are not traditional. Nampula province has a high rate of early/forced marriage at 62% while Maputo City has the lower index. Mozambique is the second country with high index in Southern Africa. There is a need to act in order to ensure the cancelation of these unions.
- According to the police of Mozambique, from January to November 2019, 7000 children related cases were reported to police, out of them 34% are cases of early/forced marriages
- In Mozambique, there is a national strategy to prevent and fight early/forced marriage
- In Eswatini, where polygamy is legal, a survey in 2014 showed the prevalence of early marriage to be between 2-3%. It is not a major problem but it still is a problem.
- The causes of early/forced marriage are multiple, among them poverty, lobola, some abusive traditional practices, traditional healers, lack of criminalization of perpetrators, exposition of children to sex at an early age, internet, social media, etc.
- Children victims of early/forced marriage are often victims of various violence. In the national CP legal framework there is no legal provision against this type of crime, an advocacy to include this in the law is one of the top priority actions
- The Ministry of Home Affairs only act against crimes that occur within early/forced marriages, and cannot act directly against early/forced marriage due the lack of legal provision
- Early/forced marriage is also related to culture, especially the initiation rituals that teach that once they have gone through that they are adults
- There are some religious groups that promote early marriage

b) Proposed Actions Forward:

- NHRIs should join different fronts in ongoing efforts aimed at stopping early/forced marriage in each country
- The NHRC should also monitor the implementation of existing legal framework addressing early/forced marriage and also contribute to its dissemination as it addresses one of the serious issues affecting children to enjoy their rights.



Maria Augusto Bongece (Young MP-Maputo City), Lurdes Mabunda (Head of National Police Victim Support Unit³), Angélica Magaia (Director of Children National Department, Ministry of Gender and Social Welfare), Salomé Mimbir (Programme Officer-ROSC) and Yussara Cardoso Guevano (Young MP-Maputo City)



Eswatini Human Rights Commissioner Sabelo Mduduzi Masuku, Thandi Kadzamira (SCI Malawi Child Rights Governance and Child Protection Senior Advisor), Zimbabwe Human Rights Commissioner Petunia Chiriseri, Mozambique Human Rights Commissioner Ernesto Cassimuca Lipapa

³ IN MOZAMBIQUE VSO IS CALLED DEPARTMENT OF CARING FOR THE FAMILY AND CHILDREN VICTIMS OF VIOLENCE



8. CHILDREN IN CONFLICT WITH THE LAW

a) Panel Discussion:

Mozambique:

- (i) In Mozambique, there are no correctional centers for children in conflict with the law throughout the country, except in Boane District, Maputo Province. Correctional centers are needed throughout the country, including for separation of children from adults perpetrators, (ii) the existing criminal legal framework is not child friendly, meaning the same criminal law used for adults in conflict with the law, is the same used for children in conflict with the law, (iii) The juvenile justice system needs to be strengthened and enhanced across the country, and (iv) there is a need to revise the legal age of criminal responsibility in Mozambique which is 16 years old.

Eswatini:

- (i) The NHRC-Eswatini has already identified cases of children detained in Eswatini prisons, (ii) the issue of children in conflict with the law has been a concern for NHRC-Eswatini. It is highly committed to undertake measures to ensure that children in conflict with the law are not subjected to prison centers for adults and even mixed with adults, (iii) the NHRC-Eswatini has been working hand-in-hand with government to invest in building the capacity of police and other actors, and (iv) the NHRC-Eswatini is one of stakeholders committed to keeping children out of criminal activities, and in this sense has been working with the cabinet of the Prime Minister to ensure the implementation of policies and preventive measures protecting children.

Malawi:

- (i) There is a law that the NHRC-Malawi strives to enforce, this is the child rights law, (ii) this law aims to ensure the integrity of children even if they have committed a crime or are accused. In accordance with this law, children must be kept in safe and child friendly institutions while their judicial processes are ongoing, (iii) in the court hearings, there are magistrates who deal specifically with children's legal matters, they are magistrates specifically qualified for this purpose, (iv) cases of children in conflict with the law, as prescribed by the law, are referred to rehabilitation centers where the rights of these children must be ensured, and (v) these centers are also monitored by NHRC-Malawi.

Zimbabwe:

- (i) There is a child friendly court for children's victims and children in conflict with the law, (ii) there are also centers that ensure the separation of children in conflict with the law with adult perpetrators, (iii) in case of a detained child, there is a child detention center that ensures their education and rights which they are entitled to.

b) Proposed Actions Forwards:

- The whole society should be involved in the campaign preventing involvement of children in criminal activities
- It is important for the State to establish correctional centers for children in conflict with the law
- NHRIs should be involved in advocacy efforts for child friendly judicial system, including correctional centers and appropriate formal procedures for children in conflict with the law.

9. CLOSING REMARKS



The President of the Child Parliament was the first addressing the closing remarks. He was grateful for the seminar which included children and highlighted the fact the discussions held in the seminar were fruitful as well as enabled information and experience exchange among countries. He further added that the overall discussions during the seminar contribute in strengthening the capacity of NHRIs in addressing child rights, including interacting with children. He ended underlining that the Child Parliament is open to work with the NHRC-Mozambique.

The representative of Save the Children



Dr. Edson Macuacua, President of the Parliamentary Committee for Legal, Constitutional and Human Rights Affairs

recommended that NHRIs institutions implement the lessons and outcomes from the interactive discussions that came out from the seminar. These should be translated into concrete actions adding value to the work of the NHRIs.

The President of NHRC-Mozambique, Dr. Nahe, expressed his gratitude for the opportunity provided by the regional seminar. He pointed out the need for all the NHRIs to build interactive networking and collaboration, exchange contacts and continue discussing human rights issues. According to him, there is a need for increased, strong and joint advocacy. He ended his speech by thanking the different NHRIs that participated in the regional seminar, the government and judicial system and CSO representatives.

The main closing remarks was addressed by the President of the Parliamentary Committee for Legal, Constitutional and Human Rights Affairs, Dr. Edson Macuacua, who congratulated the Mozambique NHRC for the success in the organization of the seminar. He appreciated the seminar as the event had immeasurable importance, it had frank and open debates, good quality discussions and effective information and experience exchange among NHRIs. He further stated that ‘the end of the conference will start a new destination’, and he hopes the conference will have a multiplier effect in the sense that the knowledge gained is replicated in both public private sectors of society. He ended by recommending for each NHRI to use the outcomes from the event as a basis to improve its activities, and that the Mozambique Parliament will continue to cooperate, coordinate with the NHRR to make possible the achievement of a common agenda.

**Annex 1:****Models and Mandate of National Human Rights Institutions for Children**

Conference for National Human Rights Commissions, Maputo - Mozambique
By Donnex Bengo – CRG Programme Manager – SCI Malawi CO

- Why engaging NHRI?
- Models of NHRI
- Major Roles of NHRI
- Principles for functioning NHRI
- Challenges facing NHRI
- Roles of CSOs
- Take Home Messages

a) Why engaging NHRI in Child Rights Monitoring?

- Existence is not a choice, but an international obligation of every state party
- Article 4 of UNCRC
- UNCRC General Comment No. 2
- The Paris Principles adopted by UN Human Rights Commission in 1992 and UN General Assembly in 1993

b) Models of NHRI in Child Rights monitoring

- Various models depending on country's social, political culture, and democratic maturity:
- Specialized Ombudsman for children
- Stand alone Public Authority/Institution for children
- Division of Child Rights integrated into a general Ombudsman office
- Division of Child Rights integrated into National Human Rights Commission
- It is important to note that:
- There is no universal model that fits for all countries
- Each country finds the best model that suits to its context
- However a specialized ombudsman for children is - more visible to children
 - - likely to have more attention and resources for dealing with children's rights
 - - allows for specialization in the field



c) Status of African NHRI

As of May 2017, only 21 African Countries had met the Paris Principles category A

1	Burundi: Commission Nationale Indépendante des Droits de l'homme
2	Cameroon: National Commission on Human Rights and Freedoms
3	Egypt: National Council for Human Rights
4	Ghana: Commission on Human Rights and Administrative Justice
5	Kenya: National Commission on Human Rights
6	Malawi: Human Rights Commission
7	Mauritania: Commission Nationale des Droits de l'homme
8	Mauritius: Commission Nationale des Droits de l'homme
9	Morocco: Conseil National des Droits de l'homme
10	Togo: Commission Nationale des droits de l'homme
11	Zambia: Human Rights Commission
12	Namibia: Office of the Ombudsman
13	Nigeria: National Human Rights Commission
14	Rwanda: National Commission for Human Rights
15	Sierra Leone: Human Rights Commission
16	South Africa: Human Rights Commission
17	Tanzania: Commission for Human Rights and Good Governance
18	Uganda: Human Rights Commission
19	Niger: Commission Nationale des Droits Humains
20	Zimbabwe Human Rights Commission
21	Liberia: Independent National Commission on Human Rights



d) Major Roles of NHRIs in Child Rights Monitoring

- Advocate for children
 - ⇒ ensures that children's opinions are heard and their rights upheld
 - ⇒ ensures children have a platform to be heard by decision makers
- Watchdog in context of promotion and protection of child rights
- Follow up on CRC, ACRWC and UPR recommendations
 - ⇒ in many countries recommendations are not followed up with subsequent actions
- Provide remedies for breaches of children's rights
 - ⇒ has power to consider individual complaints and petitions
 - ⇒ has power to support children taking cases to court
- Encourage ratification to any relevant international human rights instruments
- Strengthen capacities of professionals working with children
 - ⇒ so they are able to recognize violations and to protect children rights
- Review and report on the Government's implementation and monitoring of the state of children's rights

e) Set of Criteria and Principles for functioning NHRI

- Independence
 - ⇒ should be free of direct or indirect influence of the state
- Strong and clear mandate
 - ⇒ should be constitutionally entrenched
- Accessibility
 - ⇒ should be geographically and physically accessible to all children
 - ⇒ should have open complaint procedure
 - ⇒ ensure communication in child friendly manner
- Specialization
 - ⇒ all activities should be oriented towards promotion and protection of child rights
- Professionalism
 - ⇒ staff should include experts with experience
 - ⇒ child participation in various forms is strongly recommended

f) Communication between Children and NHRI

- Communication between the two is crucial if children are to benefit from NHRI:
- Every NHRI should maintain direct communication with children
- Suitable model for direct communication with children must be found
- Must demonstrate good examples of child participation
- Communication has to be two-sided, precise, clear and honest
- Communication could be established for a purpose of:
 - ⇒ receiving and responding to a complaint
 - ⇒ education on the role of NHRI for children
 - ⇒ learning, a process in which NHRI learn from children etc



g) Challenges facing NHRIs for children

- Independence is fragile in some cases
- Inadequate funding as they are financed by same authorities who established them in the first place due to international pressure
- Inadequate understanding of mandate and role by State
 - ⇒ deemed as their opponents and critics, rather than valuable partners
- Overlaps between various stakeholders
- General ombudsmen are often swamped with other human rights cases
- Inaccessibility and lack of visibility to children

h) Roles of CSO in engaging NHRIs

- CSOs have important roles on NHRIs:
- Facilitation
 - ⇒ for its establishment or strengthening
 - ⇒ cooperation with other stakeholders
- Advising
 - ⇒ through sharing of experiences, good practices
 - ⇒ bringing experts in certain field
- Capacity strengthening
- Advocacy
 - ⇒ for its establishment, more funding, for NHRI independence etc
- Funding

It is important to note that:

When partnered, NHRI for children and CSOs can achieve much more in reaching common goals than when acting independently

For NHRIs, CSOs are a valuable source of information as those organizations may be present in the field; they may maintain direct contact with target group and have their own monitoring infrastructure in place

CSOs are critical friends working alongside with the independent institutions but also pointing out where performance needs strengthening

i) NHRIs influence at regional and Global level

What influence does NHRI have:

At African Committee of Experts on the Rights and Welfare of the Child?

At UN Committee on the Rights of the Child?

What motivation is there for NHRIs to meet Paris Principles Category A status?



j) Take home messages

Visibility and accessibility of NHRIs by children is paramount

In instances where NHRI does not have department for child rights, it should strive to establish it

Minimum standards in place

NHRIs for children should strive to have some specialization aspects on promotion and protection of child rights

Independence status

Support/advocate for NHRI increased funding – as many NHRIs receive limited funding

Annex 2

Child Participation – Introduction to the 9 requirements of child participation

Lalaine Sadiwa Stormorken (Child Rights Governance Special Adviser - Save the Children Norway)

Children's role and basis for participation: Why children can and should engage with the CRC ?

Children are rights holders

CRC Article 12, General Comment 12

Children have the right to express their views and to be heard and for their views to be given due weight

States have an obligation to enable children to express their views and to give them the opportunity to be heard

Other Key CRC provisions supporting children's right to be heard

Article 13 – freedom of expression

Article 14 – freedom of thought, conscience and religion

Article 15 – freedom of association and peaceful assembly

Article 17 – access to information

Child rights monitoring and Child participation

States have an obligation to enable children to participate in the preparation of the State reports and support children to present their views to the Committee on the Rights of the Child (General Comment art. 12 + CRC Working methods on children's participation)

Child-led organizations or groups fall within the definition of "competent bodies" that can provide expert advice on the actual implementation of the Convention (General Comment art. 12 + CRC Working methods on children's participation)

The Committee welcomes written reports and additional oral information submitted by child organizations and children's representatives in the monitoring process of child rights implementation by States parties, and encourages States parties and NGOs to support children to present their views to the Committee.

CSOs/NGOs, NHRIs and other stakeholders are encouraged to consult children in the preparation of their supplementary reports

Nine (9) basic requirements for children's participation

