

Country session: Mozambique

Date of session: 11th September 2019 (82nd session)

Background information

[OHCHR press release](#)

Webcast: [Part 1](#) and [Part 2](#)

[Audio file](#)

Reporting

Reporting methodology

Regular reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

State report:

Common core document	
Initial submission	-
Updated document	-
Annexes	-

CRC	
No. of report	3 rd and 4 th
Due date	25 May 2016
Submission	28 March 2018

Written replies	
Submission	-
Due date	-

Additional comments: The replies for the list of issues have not been submitted.

Public reports from children's rights defenders

Alternative reports and additional information

NGOs	<ul style="list-style-type: none"> • ECPAT • Global Initiative to End All Corporal Punishment of Children • Juvenile Justice Advocates • National Civil Society Organizations (Rede da Crianca, ROSC and Rede CAME) • National Secular Society (NSS)
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State delegation

The [delegation](#) was small and was solely high-level representatives from Ministers. The delegation was composed of the Permanent Representative of Mozambique to the UN Office at Geneva -present in the room- as well as representatives of the National Directorate for Children, the Directorate for Legal Issues, the Ministry of the Interior, the Ministry of Education and Human Development, the Ministry of Health, the Ministry for Gender, Child and Social Affairs, and the Ministry of Justice and Constitutional and Religious Affairs, who participated in the dialogue via video conference from the capital Maputo.

Committee's Task Force members

Name & Last Name	Country
Ann Skelton (coordinator)	South Africa
Benyam Dawit Mezmur	Ethiopia
Mikiko Otani	Japan
José Angel Rodriguez	Venezuela

Dialogue description

i. Character of the dialogue

The dialogue was constructive and focused. However, the technical problems that arose during the dialogue were of disturbance several times to the discussion.

ii. General assessment made by the Committee

The Committee commended the State party for its progress in its birth registration processes and urged it to use a similar approach in the area of comprehensive sexual and reproductive health rights. The Committee expressed their concern on the high number of children in residential care; they similarly urged the State party not to establish any detention centre of any kind including in their child justice system and rather prioritize non-custodial measures. Furthermore, the Committee encouraged the State party to submit its first report of OPSC and OPAC; and to ratify OPIC.

iii. Main issues discussed:

- General measures of implementation:** The Committee asked what happens in case there is a conflict between the Convention and Mozambique laws. The delegation replied that their Constitution stipulates that international laws are incorporated into the domestic legislations automatically. In response to the Committee's question on the ways in which the State party planned to implement its legislations with very few social workers, the delegation replied that trainings are being given to social workers in that regard. The Committee also inquired about whether the Commissioner on Human Rights can receive complaints from children directly and whether it has an independent budget to properly function. The delegation responded that the National commissioner is divided in 11 departments, each dealing with a different aspect, including one on children's rights; it was added that there is no individual resource allocation as the funds are allocated to the whole institution and the latter thereafter decides to which department the resources will go to. Moreover, the Committee inquired on whether the civil society can criticize the government. The delegation recognized that there is a vibrant civil society in Mozambique which the government involves in all activities including the State party report; civil society is very open and can indeed criticize the government to ensure that the latter carries out its responsibilities correctly.
- Respect for the views of the child:** The Committee noticed that the State party has made initiatives such as child parliaments or school councils and inquired as to how these have been effective to the development of

the child; it also asked how children with disabilities were given a voice. The delegation responded that children -including children with disabilities- have the possibility to participate in school councils and can therefore express their opinion. As to child parliaments, these have been established at different levels of the government to encourage the exercise of children's right to opinion and participation on topics such as health, protection of vulnerable children, etc. It was added that the recommendations issued by children are submitted to the government.

- **Right to life, survival and development:** The Committee commended the State party about the initiatives put in place to reduce child deaths related to road accidents and asked how effective these efforts have been. The delegation responded that since 2014 to 2018, there have been several initiatives which contributed to the dropping of road and traffic accidents particularly those involving children as of 2015 to 2018. Moreover, the government has adopted a big number of decrees on transport rules and regulations; one of the measures being the existence of a form that drivers have to complete with their identification, the time they left, etc.
- **Birth registration:** The Committee commended the State party for its progress and efforts on filling the gaps and asked what the government is doing to improve the situation in more far-flung regions. The delegation replied that birth registration is a priority to the government and the latter is looking at all obstacles that may hamper it such as cultural value; indeed the government has expanded birth registration by 4.7 million since the submission of the report. Moreover, the government has been running a project with Save the Children: "*You're born, you're registered*"; and registration desks have been introduced in hospitals. The Committee also asked whether the State party was considering removing the birth registration fee. The delegation explained that the government has been encouraging that children be registered even before leaving the hospitals and added that it was planning on digitalizing birth registration so that birth certificates could be picked up anywhere in the future.
- **Corporal punishment:** The Committee regretted that there was no specific mention of corporal punishment in the replies to the list of issues of the State party. The Committee therefore asked if there is an explicit prohibition in the national legislation and if there exist any awareness-raising campaigns for teachers on the consequences of corporal punishment. The delegation responded that the Constitution prohibits corporal punishment and that the Criminal Code provides for penalties in case there is physical violence; and added that there is no specific law on corporal punishment although the justice system has been holding responsible the perpetrators.
- **Harmful practices:** The Committee commended the State party for adopting a law prohibiting child marriage and asked about its practicality especially in cases of cessation of marriage. The delegation acknowledged that early marriage had been one of the country's greatest challenges. They added that a multi-sectoral group on early marriage - chaired by the National Director of the Children's Council to ensure coordination amongst stakeholders- has been created to encourage more activities in this area. Moreover, the Committee noted from the written replies of the State party that initiation rites are not considered as harmful practices but are rather accepted as traditional culture; it remained concerned about the information received that these practices might lead to child marriage for girls and asked the view of the delegation on the interrelatedness of initiation rites and child marriage. The delegation reassured the Committee that initiation rites are only cultural practices and that work is being done to ensure that the transmission of cultural values is done in a way that is child-friendly and which does not violate the rights of the children. For instance, the government convinced traditional leaders not to hold initiation rites on days when children are supposed to be in school.
- **Adolescent health:** The Committee noted that there is a low use and access to contraceptives as well as low access to safe abortion and post-abortion care; it asked if the State party has included sexual and reproductive health in its curriculum. The delegation affirmed that sexual and reproductive health are included in primary and secondary education, in biology classes.
- **Education:** In response to the question on what efforts have been made to implement the law to improve access to preschool education and kindergarten, the delegation recognized that the government had faced deficiencies in human, financial and material resources. Moreover, the Committee expressed serious concern about cases of sexual violence of teachers against girls in school and asked what efforts have been made to address them and when the teachers are held accountable. The delegation responded that a helpline has been put in place, and a code of conduct for teachers has been drawn up to tackle violence against children

in school settings. It was added that there were various instances in which teachers have been held accountable, such as the charges pressed against a philosophy teacher in Mapala. In the same sense, the Committee asked what measures have been put in place to ensure that girls are safe on their way to evening classes. The delegation recognized this question as being tricky as some children walk alone to school although the government encourages those who can to be accompanied; casual mechanisms like the police or members of the community are in place as safety measures.

- **Sale and trafficking:** The Committee raised concern on the prevalence of trafficking and asked whether there was sufficient training on relevant professionals to identify a situation of sale and trafficking. The delegation acknowledged that Mozambique is a country of origin and transit and has become over the past two years a country of destination. They however reassured the Committee that a lot has been done to implement the legislation on trafficking, including a provision on training the police and various professional figures from different governmental bodies.
- **OPIC:** The Committee reminded the State party to consider ratifying the OPIC.

Recommendations of the Committee

In its [Concluding Observations](#), the Committee drew attention to the need of urgent measures concerning the following **six areas**:

- **Allocation of resources:** While referring to its General Comment No. 19 (2016), the Committee reiterates its previous recommendations (CRC/C/MOZ/CO/2, para. 18) and further urges the State party to (a) Allocate adequate human, financial and technical resources for the implementation of all policies, plans, programmes and legislative measures directed at children; (b) Introduce a child rights perspective into the budgeting process; (c) Regularly conduct child rights impact assessments of budget and economic decision-making processes and outcomes, including austerity measures, in areas that are directly or indirectly related to children's rights; (d) Intensify its efforts to combat corruption and strengthen institutional capacities to effectively detect, investigate and prosecute related cases, taking note of target 16.5 of the Sustainable Development Goals.
- **Birth registration:** The Committee urges the State party to (a) Continue efforts to promote the timely registration of births; (b) Abolish all birth registration fees and ensure that all children, including children of unmarried parents, are properly registered at birth; (c) Intensify its efforts to raise awareness among the general public, and mothers and pregnant women in particular, of the importance of birth registration; (d) Undertake measures to determine the nature and number of stateless children in the State party.
- **Violence against children (25-29):** On **corporal punishment**, the Committee reiterates its previous recommendations (CRC/C/MOZ/CO/3, para. 48) and urges the State party to: (a) Prioritize the explicit prohibition, through legislative and administrative measures, of corporal punishment in all settings; (b) Repeal all legislative provisions, including Article 24 of the Law on the Promotion and Protection of Children's Rights, Article 51 of the Regulation on Basic Education and Article 179 of the Penal Code; and (c) Strengthen its efforts to train parents, teachers, professionals working with children and the public on positive, non-violent forms of discipline and respect for children's right to human dignity and physical integrity. On **abuse and neglect**, while recalling its general comment No. 13 (2011), the Committee recommends that the State party (a) Strengthen mechanisms to prevent, monitor and address child abuse and neglect; (b) Provide systematic training to judges, prosecutors, police and child protection and social workers on how to prevent, monitor and address cases of child abuse and neglect; (c) Establish a national database on all cases of violence against children and develop a monitoring and evaluation system. On **sexual exploitation and abuse**, the Committee recommends that the State party: (a) Conduct a comprehensive study on the scope and root causes of the vulnerability of children to sexual exploitation, abuse and prostitution; (b) Establish accessible, confidential, child-friendly and effective reporting channels for cases of child sexual exploitation and abuse; (c) Provide child victims with child-friendly and multi-sectoral remedies and comprehensive support.—On **harmful practices**, the Committee recommends that the State party: (a) Implement legislation explicitly prohibiting all traditional practices harmful to the physical and psychological well-being of children and take all necessary measures to eliminate child marriages and harmful aspects of initiation rites for girls; (b) Ensure that the National Strategy for Preventing and Combating Child Marriages 2016-2019 is adequately resourced,

extended beyond 2019 and effectively implemented; (c) Develop comprehensive awareness-raising campaigns, on the harmful effects of child marriage and initiation rites. On **children with albinism**, the Committee recommends that the State party: (a) Address the root causes of the discrimination and violence they suffer; (b) Prevent and combat killings, mutilations, kidnapping of and attacks against children with albinism; (c) Conduct awareness-raising campaigns against superstitious beliefs concerning children with albinism.

- **Health and health services:** While referring to its general comment No. 15 (2013), the Committee recalls its previous recommendations (CRC/C/MOZ/CO/2, para. 62) and further recommends that the State party: (a) Prioritize measures to improve access to, and the quality of, primary health services, i; allocating sufficient human and financial resources for health infrastructure; (b) Ensure the availability of qualified health personnel who are adequately trained to address the specific needs of children and adolescents; (c) Improve immunization rates through the establishment of more vaccination centres close to communities; (d) Increase the national, provincial and district budget allocations to the health sector ; (e) Strengthen the District Health Information System 2 platform for effective and regular data collection; (f) Strengthen actions to promote breastfeeding, monitor the implementation of the International Code of Marketing of Breast-milk Substitutes, increase the number of hospitals implementing the child-friendly hospital initiative and implement the guidelines of the World Health Organization on HIV and infant feeding; (g) Implement comprehensive policies and strategies for mental health promotion, mental disorder prevention and early identification.
- **Standard of living:** The Committee recommends that the State party intensify its efforts to address poverty and the lack of access to clean water and sanitation among children in rural areas. It recommends that the State party: (a) Adopt and implement national standards and technical regulations on water, sanitation and hygiene for schools and health facilities, and prioritize increased access to clean water and sewerage disposal in rural areas; (b) Create a separate national budget line, and allocate sufficient resources, for sanitation and hygiene.
- **Education:** The Committee recommends that the State party: (a) Improve access to and retention in primary and secondary schools and ensure the availability of qualified teachers, transportation to schools, learning and instructional materials and adequate physical infrastructure; (b) Strengthen measures to provide free and compulsory primary education to all children and address the high number of dropouts, particularly among girls, due to pregnancy, child marriage, poverty, fear of sexual abuse and poor sanitary conditions; (c) Improve the quality of education; (d) Ensure that human rights education, including the principles of the Convention, is integrated into the mandatory school curriculum as a matter of priority; (e) Address the sexual abuse and harassment of children, especially girls, by teachers and their peers, by implementing a zero tolerance policy on sexual exploitation and abuse in schools ; and strengthening awareness-raising and training of teachers and students; (f) Prioritize and provide adequate resources for the effective enforcement of legislative and administrative provisions, including the Ministry of Education Ministerial Instruction No. 5/2016; (g) Develop and implement strategies to ensure that girls travel to and from school safely; (h) Allocate adequate resources for the effective implementation and expansion of the Integrated Development Strategy for Children in Pre-school and the Bilingual Education Programme.

The Committee also issued recommendations on the following topics:

- **General measures of implementation** (Legislation, Comprehensive policy and strategy, Coordination, Data collection, Independent monitoring, Dissemination, awareness-raising and training, Cooperation with civil society and Children’s rights and the business sector)
- **General principles** (Non-discrimination, Best interests of the child, Right to life, survival and development, Respect for the views of the child)
- **Civil rights and freedoms** (Freedom of association and peaceful assembly, Right to privacy, Access to appropriate information)
- **Family environment and alternative care** (Children deprived of a family environment)
- **Disability, basic health and welfare** (Children with disabilities, Nutrition, Adolescent health, HIV/AIDS)
- **Special protection measures** (Asylum-seeking and refugee children, Economic exploitation, including child labour, Children in street situations, Sale and trafficking, Administration of child justice)



- **Ratifications:** OPIC, ICESCR. Report under OPAC and OPSC due since 2006 and 2005 respectively.

Sustainable Development Goals

- 1.2, on reducing at least by half the proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions
- 2.2, on ending all forms of malnutrition
- 3.2, on ending preventable deaths of newborns and children under 5 years of age
- 3.3, on ending the epidemics of AIDS, tuberculosis, malaria and neglected tropical diseases and combat hepatitis, water-borne diseases and other communicable diseases
- 4.1, on ensuring that all girls and boys complete free, equitable and quality primary and secondary education
- 4.2, on ensuring that all girls and boys have access to quality early childhood development, care and pre-primary education
- 5.2, on eliminating all forms of violence against all women and girls in the public and private spheres,
- 8.7, on taking immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour
- 13B, on promoting mechanisms for raising capacity for effective climate change-related planning and management in least developed countries and small island developing States
- 16.2, on ending abuse, exploitation, trafficking and all forms of violence against and torture of children
- 16.5, on reducing corruption and bribery in all their forms
- 16.9, on providing legal identity for all, including birth registration

Next State report

CRC	
No. of report	5 th to 7 th
Due date	25 November 2024

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