



Convention on the Rights of the Child

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Committee on the Rights of the Child Eighty-second session

Summary record (partial)* of the 2406th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 11 September 2019, at 3 p.m.

Chair: Mr. Pedernera Reyna

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3.05 p.m.

Consideration of reports of States parties (*continued*)

Combined third and fourth periodic reports of Mozambique (CRC/C/MOZ/3-4 and CRC/C/MOZ/Q/3-4)

1. *At the invitation of the Chair, the delegation of Mozambique took places at the Committee table.*
2. **The Chair** said that, at the invitation of the Committee, some members of the delegation would be speaking via video link from Maputo.
3. **Mr. da Conceição** (Mozambique), introducing his country's combined third and fourth periodic reports (CRC/C/MOZ/3-4), recalled that the reports covered the period 2009 to 2016. Since their submission further advances had been made, including the adoption of the amended Family Act which set the marriage age at 18 years without exception; the adoption of the Act on Preventing and Combating Child Marriage; the approval of a list of occupations deemed hazardous for children; and an increase in the proportion of the State budget allocated to social expenditure.
4. Access to birth registration had expanded, so that 71.9 per cent of children were now registered. Initiatives for children to exercise their rights to participate and to express their views included the Children's Parliament, which had held 2 national and 22 provincial sessions. The number of children enrolled in primary education had risen to 6.6 million in 2018, while gender inequalities in education had narrowed. Health coverage had improved, resulting in greater immunization coverage, lower child mortality and better access to anti-retroviral drugs. The proportion of households with access to safe water and sanitation had increased. Over 5,500 homeless children had been reunited with their families, while others had been placed with foster families. Social protection programmes had benefited households in vulnerable situations, with a focus on households headed by children. Basic social services had been provided to over 8,500 child refugees. Steps had been taken to prevent child labour, trafficking and other practices harmful to children, while awareness-raising efforts to combat child marriage had intensified. Information on children's rights had been disseminated in communities and institutions and had been included in textbooks and curricula at various levels of education to ensure that children were aware of their rights.
5. All those efforts demonstrated that Mozambique was committed to improving children's social welfare and to implementing the Convention. The Government recognized that it continued to face significant challenges in ensuring that children could fully enjoy their rights, and it had taken steps to promote awareness of and respect for those rights in society. It also recognized the challenges of expanding children's access to basic social services, ensuring birth registration, reducing chronic undernutrition among children aged under 5, and eliminating poverty, violence, negligence, child labour and child marriage.
6. **Ms. Skelton** (Coordinator, Country Task Force) said that she wished to express the Committee's sympathy with Mozambique following the cyclone that had struck the country earlier in the year.
7. She was interested to know more about the status of the Convention in the country's legal system, and what would happen if the Convention came into conflict with domestic laws. She would appreciate an explanation of the nature of the amendments that had been made to the Act of 2008 on the Promotion and Protection of Children's Rights, and of the reason for the delay in the adoption of the implementing regulations of the Act. Given that Mozambique had relatively few social workers, she wished to know what other human resources might be deployed to assist in the implementation of the Act. Similarly, she wondered what resources were allocated to ensure the practical implementation of the amended Family Act, which prohibited child marriage. For example, were community services available to girls who were unable to return to their families in the event of the discontinuation of their marriage? Which government department would pay for such services? She also wished to know whether the National Council for Social Welfare, as the mechanism tasked with coordinating social work and social security issues concerning

children, had sufficient resources to operate effectively. What was the purpose and role of the many multisectoral groups that had been established to consider issues such as orphans and vulnerable children, trafficking, and child marriage, and how were they coordinated? She asked how the Government planned to improve children's nutrition, which it had identified as an area in which progress was unsatisfactory. Did the Government's planning take account of projected rapid population growth and the possible effects of climate change?

8. While the Anti-Corruption Act and the adoption of an updated version of the Government's anti-corruption strategy were positive developments, she was interested to know what difference they made in reality. In particular, could the delegation provide information on cases in which anti-corruption efforts had had a positive impact on services for children? She wondered whether the training of civil servants on budgetary planning had yielded any positive outcomes and why the budget allocated to children's services appeared to be shrinking in real terms. What was being done to ensure that social spending kept pace with inflation and that budgets were formulated in a way that alleviated inequalities between rural and urban areas? The Citizens' Budget was a commendable initiative, but she wished to know whether it allowed stakeholders to clearly identify budget allocations specifically for children.

9. Welcoming the publication of the 2017 census findings, which contained data disaggregated by age, gender and province, she said that she wished to know what was being done to avoid disparities in the data collected by different government departments and the National Institute of Statistics and to ensure that they had compatible data collection systems. Noting that Mozambique was due to conduct a national household survey, she asked who had been given the task of preparing for the collection of data specifically relating to children.

10. Regarding the appointment of a commissioner on gender, children and social affairs within the National Human Rights Commission, she asked whether that commissioner was empowered to receive complaints from children, whether a child-friendly complaints procedure was in place, and whether the commissioner had been allocated sufficient resources. Furthermore, given that civil society organizations seemed to be involved in the provision of residential care services, she was curious to know how the Government viewed the role of civil society and whether it compensated the organizations for doing such work. Were civil society organizations free to criticize the Government? Lastly, she asked whether the Government had adopted regulations to ensure that the business sector complied with international human rights standards, and whether children's rights were taken into account in impact assessments carried out in the context of extractive activities.

11. **Mr. Mezmur** (Country Task Force) said that the report contained a significant amount of information on non-discrimination, which the State party addressed under articles 35 to 37 of the Constitution. He invited the delegation to provide examples of how the courts interpreted those provisions in cases concerning children, and to state whether any laws had been identified that discriminated against children. He welcomed the actions that had been taken to narrow the gap between children in rural and urban areas, but wished to know what their impact had been, especially for children in disadvantaged situations. From the report, it appeared that the principle of the best interests of the child was applied most often in the context of family law; he wondered whether the principle was taken into consideration in other contexts. Noting that content designed to prevent road accidents had been introduced into school curricula, he asked how effective that measure had been, given that the report contained a graph indicating that children's involvement in traffic accidents was increasing. Furthermore, he would appreciate information on the impact of the Plan of Action for Assistance to Mine Victims (2015–2019) and on whether any children had been killed by mines or explosive remnants of war. He was also interested to know whether sufficient resources were provided to implement the Integrated Early Childhood Development Strategy and thereby address challenges such as reducing infant and child mortality.

12. The Committee noted that children had the opportunity to make their voices heard in family law contexts, including adoption proceedings, and through mechanisms such as the Children's Parliament, school councils and Child Protection Community Committees.

However, it was unclear to what extent the views they expressed were effectively taken into account. Were children with disabilities represented in such forums? To what extent did the Government consider the views of children when developing laws and policies? The State party recognized that “negative social practices” were a major constraint on children’s participation, but did not explain what steps had been taken to address such problems, and whether such steps had been effective.

13. The report indicated that birth registration was free of charge only in the first 120 days after the birth. Considering that such a provision amounted to a penalty for late registration and might act as a barrier to universal registration, he wondered whether the registration fees might not be abolished entirely. He would be grateful for further details concerning the criteria and effectiveness of the mechanism for waiving birth registration fees for disadvantaged families, as well as any steps the Government was planning in order to ensure the registration of children of unmarried parents or to abolish fees for the issuance of birth certificates.

14. He asked what the consequences were for children of the principles of original nationality and acquired nationality, as set forth in the Constitution. The Committee was interested to know whether the Government was considering ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, and whether it had attempted to determine the number of stateless persons in Mozambique.

15. In respect of the right to privacy, he asked how article 68 of the Constitution and article 302 of the Code of Criminal Procedure were applied in relation to children. He asked what efforts had been made to ensure that children were not exposed to inappropriate information, particularly on the Internet. He wondered whether it was still the case that freedom of association was guaranteed only for persons aged over 18, and why that should be so. Lastly, he invited the delegation to update the Committee on the status of the proposed law on freedom of religion and of worship.

16. **Mr. Rodríguez Reyes** (Country Task Force) said that during its universal periodic review in 2016, Mozambique had accepted a recommendation to prohibit corporal punishment of children in all settings. In the light of that decision, the Committee was disappointed to observe that the report made no mention of corporal punishment and was anxious to know whether the State party had adopted any legislative or administrative measures or public policies aimed at eradicating corporal punishment in all settings, including the repeal of provisions in its laws that might be interpreted as justifying the practice. The Committee would also welcome information on any campaigns that had been run to raise awareness – among parents, teachers, professionals working with children or the general public – of the harm caused by corporal punishment and of alternative ways to discipline children.

17. **Ms. Otani** (Country Task Force), noting the increasing number of reports of violence against children in the State party, asked how the Government could strengthen the Child Protection Community Committees. She would like to know whether it ran awareness-raising campaigns to help prevent that kind of violence, whether helplines for victims were open 24 hours a day, whether children were aware of them and what support and services were available to victims. She requested clarification of whether sexual activity with a child aged over 16 was a crime. She also wondered whether the sexual abuse of a child under 16 could be prosecuted only on the basis of a report by a parent or guardian. If so, she would like to know whether that requirement applied even when the perpetrator was one of the victim’s parents. Did it not raise the possibility of impunity?

18. She asked whether the Government had carried out, or was planning, an in-depth study on the prevalence and types of sexual violence, and its root causes. She wished to know how sexual abuse cases were identified and reported; whether professionals, or indeed members of the public, were required to report cases that came to their attention, and where children could seek advice or lodge complaints of sexual abuse that occurred within their families, schools or communities. Were safe, confidential and child-friendly reporting mechanisms in place and were children aware of them? Given the State party’s shortage of social workers, she asked whether sufficient numbers of trained professionals were

available to provide assistance to child victims of sexual abuse in all areas of the country, and whether children were protected from revictimization during investigation and court proceedings.

19. Commending the progress made in the country's legislation on child marriage, she invited the delegation to comment on the possibility that there was a connection between that practice and initiation rites for girls, the latter being seen by Mozambicans as an expression of traditional culture rather than a harmful practice. If the two were linked, a comprehensive approach would be required to eliminate both.

20. Lastly, she asked what measures the Government had adopted to eliminate violence against children with albinism and to eradicate superstitious beliefs surrounding them. Were perpetrators prosecuted? If not, what was preventing prosecution?

The meeting was suspended at 3.50 p.m. and resumed at 4.05 p.m.

21. **Ms. Sales Lucas** (Mozambique), speaking via video link from Maputo, said that efforts had been made to solve the shortage of social workers, in part by allowing private universities across the country to provide training in social work; numbers were slowly rising. In areas of the country that still lacked social workers, those duties were carried out by other professionals, who had received training. She nevertheless wished to point out that, at independence in 1975, Mozambique had not even had 20 social workers, whereas it now had around 2,000, thanks in part to its training policy.

22. The National Council of Social Welfare had a child rights section that was multisectoral in nature and included representatives of civil society. It coordinated similar groups working on specific issues, notably one dealing with early marriage, one of the major challenges the country was facing. The multisectoral group on early marriage promoted a wide variety of activities to combat the practice. It coordinated closely with the National Council on Children's Rights and indeed was chaired by one of the national directors of children's rights; it was also a member of the Council's technical committee. In that way, too, duplication of efforts by the various bodies was avoided.

23. Data was collected by the National Statistics Institute, as well as other institutions and universities, including the National Health Institute. A joint survey on children's welfare was being carried out by the National Health Institute and the National Statistics Institute with the aim of providing information on the current situation of children; the questions asked covered topics such as early marriage, violence, HIV/AIDS and malnutrition. The Household Budget Survey and the Demographic and Health Survey to be undertaken in the near future would gather information on children's living conditions that would inform the new national plan of action for children, currently being drafted.

24. **Mr. Divage** (Mozambique), speaking via video link from Maputo, said that, in the event of a conflict between an international instrument and the Constitution, the latter would prevail. However, it was unlikely that such a conflict would arise since international instruments were ratified only after all relevant domestic legislation had been brought into line with them.

25. Under article 223 of the Criminal Code, a minor who was a victim of rape could bring legal proceedings against the rapist, as could either of the victim's parents. If a father raped his child the child's mother could initiate proceedings. In short, fathers could not rape their children with impunity.

26. The members of the National Human Rights Commission had specific areas of responsibility. One member, for instance, oversaw matters relating to children's rights. The members of the Commission decided as a body how to use the funds allocated.

27. **Ms. Guibunda** (Mozambique), speaking via video link from Maputo, said that a multisectoral approach had been taken to the implementation of the Early Childhood Development Strategy. Implementation was made possible by funds provided by the State and its development partners.

28. School councils included children, teachers, principals and representatives of the community at large. The councils met periodically, and the views expressed by children informed council decisions. In 2018 and 2019, the authorities had held meetings with the

Chairs of the councils, who were community members rather than school administrators or students, in a bid to learn more about what was happening in local communities.

29. Ensuring the inclusion of children with disabilities was a priority for the Government and the education sector. A child with a disability could not be denied access to school because of that disability. Awareness-raising campaigns had been conducted to ensure that the parents of children with disabilities knew that they were required to enrol their children in school. A strategy on inclusive education was being developed.

30. **Ms. Magaia** (Mozambique), speaking via video link from Maputo, said that initiation rites were part of the cultural identity of those communities where they were practised. They could sometimes interfere with children's exercise of their rights, however. Work was therefore being done with the persons responsible for those rites of passage to ensure that they took place in a manner that promoted healthy development and allowed children to fully enjoy their rights. As a result, communities had begun holding initiation rites during school holidays.

31. Children's parliaments in Mozambique held sessions at the national, provincial and district levels. They gave children opportunities to express their views on a range of issues that affected them. Recommendations were drawn up at each session and included in reports that were transmitted to the Government, which used them to inform policy. One recommendation that had been followed had been to use the wood confiscated from illegal loggers to make desks for the country's schools. Another recommendation, also followed, had been to produce a textbook in Braille.

32. Child Protection Community Committees, on which community members, children, educators and the health authorities were represented, met to discuss issues faced by local children. Their composition and work made it possible to take a cross-cutting approach to addressing those issues.

33. **Mr. Jelmundo** (Mozambique) said that the Government was taking steps to ensure that the Integrated Mechanism to Care for Victims of Violence was in a better position to fulfil its mandate. A victim of violence could turn to one of the Centres for the Comprehensive Care of Victims of Violence for a wide range of social and other services. Children could also use a 24-hour hotline operated by a non-governmental organization (NGO). Complaints made through the hotline were transmitted to the police.

34. **A representative of the Ministry of Health** (Mozambique) said that the health services provided by the victim care centres included HIV testing and counselling and referrals to psychologists.

35. A multisectoral plan had been developed to combat chronic malnutrition, focusing primarily on pregnant women, nursing mothers and children aged under 2. Efforts were also made to enlist community support for changing social customs that sometimes contributed to malnutrition among women and children. The Ministry of Health recommended that babies should be exclusively breastfed up to the age of 6 months.

36. **Mr. Divage** (Mozambique), speaking via video link from Maputo, said that the emphasis on penalties for parents who failed to register the births of their children within 120 days was misplaced. The idea was to have a deadline to encourage early registration. In some facilities where women gave birth, registration was automatic. There were still challenges, however, and in an attempt to meet them efforts had been made to raise awareness of the importance of birth registration. For example, parents, including single mothers, were informed that they could still register their children free of charge after the 120-day period had passed.

37. Mozambique had a vibrant civil society that was involved in a wide range of civic activities, including the drafting of the State party's reports to the human rights treaty bodies and to the periodic review of its human rights record by the Human Rights Council Working Group on the Universal Periodic Review. Civil society's criticism of the Government was often necessary.

38. **Ms. Magaia** (Mozambique), speaking via video link from Maputo, said that the social welfare authorities tried to reunite girls who had escaped from marriage with their

biological families, place them with foster families or make other suitable arrangements. Temporary reception centres were the last resort. The initiation rites girls went through were not merely sexual rites of passage that could lead to marriage. They also involved teaching them to respect their elders and take care of their bodies.

39. The Government and civil society, as had been noted, were partners. In addition to participating in human rights reporting, civil society had been the driving force behind the adoption of a number of laws, laws on the protection of children in particular.

40. **Mr. Lumina** said that he wished to know what measures the State party had put in place to safeguard the limited resources available for the promotion of children's rights, or mobilize new ones, in particular in view of the huge burden imposed by the debt-service payments it was obliged to make.

41. **Ms. Aho Assouma** asked whether the State party had taken steps to raise its continuing low rates of birth registration and, if so, whether those steps had been successful. What was being done to register children whose births had not yet been recorded? She wondered whether the staff of registry offices received relevant training and what equipment they had available. What efforts were made to improve registration in the remotest areas of the country?

42. **Ms. Skelton** said that she would welcome an answer to her question on whether NGOs received public subsidies when they provided public services. Turning to the issue of children and the business sector, she asked whether assessments of the impact of planned natural gas projects analysed their impact on children and their rights.

43. **Mr. Rodríguez Reyes** said that the Committee did not wish to challenge the cultural values of communities in Mozambique but was concerned by reports that the practice of initiation rites led to child marriage and early pregnancy. It would like to know how that practice was monitored and whether there was a mechanism whereby girls could report abusive situations.

44. **Mr. Mezmur** said that he looked forward to receiving answers to his questions concerning statelessness and landmines.

45. **The Chair** noted that the questions concerning the difference between original nationality and acquired nationality and the rate of birth registration had not yet been answered.

46. **Mr. Mezmur** said that he would welcome information on the current situation with respect to adoption, including intercountry adoption, as well as on any measures taken to promote domestic adoption and to prevent the use of adoption for financial gain. He would like to know what steps had been taken to implement, enforce and raise awareness of the country's regulations on alternative care and to establish a national registry of alternative care institutions and institute inspections. He wondered what was being done to address the proliferation of unregistered orphanages and what progress had been made towards the deinstitutionalization of children.

47. The State party had provided information on social assistance measures taken to address the factors that led to children being deprived of a family environment; it would be interesting to hear about the impact of those measures and any efforts to reintegrate children into their families.

48. He asked whether the State party had considered introducing legislation on preschool education; he wondered in what way the provision of preschool education posed a challenge and how that challenge was being tackled. He asked what measures were being taken to counter sexual violence in schools and whether the delegation could provide examples of perpetrators of sexual abuse in schools who had been held responsible for their actions. He asked what steps had been taken to increase the number of qualified teachers and to retain those teachers, to improve transport to schools and to enhance teacher training. Lastly, he asked what resources had been allocated for the effective enforcement of laws and regulations in the education sector and whether adequate resources had been provided for the implementation of the Strategy for the All-Round Development of Children of Preschool Age and the Bilingual Education Programme.

49. **Mr. Rodríguez Reyes** asked what measures were being taken to increase the number of children with disabilities in mainstream schools and to provide reasonable accommodation, for example by adapting school curricula and infrastructure. He asked how the State party ensured access to social benefit programmes for children with disabilities; whether it had introduced human rights-based, cross-cutting policies on disability to ensure access to sport, culture and public spaces for children with disabilities; and whether it had conducted awareness campaigns to counter discrimination against such children.

50. He asked what measures were being taken to increase access to high-quality health services with trained staff, especially in rural areas; to reduce the prevalence of preventable diseases such as tuberculosis and malaria; and to reduce the number of children who had not been vaccinated. He asked whether there was a national policy to promote breastfeeding; whether a mechanism had been set up to monitor the implementation of the International Code of Marketing of Breast-milk Substitutes; whether the State party had considered ratifying the International Labour Organization (ILO) Maternity Protection Convention, 2000 (No. 183); and what measures were being taken to implement the baby-friendly hospital initiative. Noting that vertical transmission of HIV had dropped by 91 per cent, he asked whether the State party was following the World Health Organization (WHO) guidelines on HIV and infant feeding.

51. With regard to adolescent health, he asked what steps had been taken to provide sexual and reproductive health services that were adapted to the needs of adolescents and to ensure that adolescents had access to contraceptives, family planning services, safe abortion and post-abortion care. He enquired whether sexual and reproductive health education was compulsory in schools. Lastly, he asked whether the State party had adopted comprehensive strategies to promote mental health and to ensure early diagnosis of mental health problems; whether psychological and psychiatric care was available for adolescents; and what measures were taken to tackle issues such as alcohol and drug abuse, excessive Internet use and suicide among children and adolescents.

52. **Ms. Otani** said that the Committee would welcome up-to-date information on the situation of children who had been affected by recent natural disasters, such as Cyclone Idai and Cyclone Kenneth. She would like to know whether the needs of children were taken into account in policies on climate change and disaster risk management and whether children were involved in the development of those policies. She wondered whether children were informed about the risks associated with climate change and natural disasters, including as part of the school curriculum, and whether teachers and communities were trained on those issues in order to be able to provide guidance to children. The Committee was concerned by the fact that many children continued to face extreme poverty and a low standard of living. She wondered how the State party intended to address that problem and whether it had considered, for example, creating a separate national budget line for sanitation and hygiene.

53. Drawing attention to the Committee's two general comments on the human rights of children in the context of international migration, issued jointly with the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, she asked whether there was a system in place to ensure that unaccompanied and separated migrant children were identified and referred to the child protection services and that their best interests were taken into account. She asked whether information was available on any cases of asylum-seeking and refugee children who had been involved in or affected by armed conflict before coming to Mozambique and who therefore needed special support.

54. She would like to know whether there was any collaboration between different economic sectors in order to identify and protect victims of child labour. She wondered whether the State party had considered conducting an in-depth study on children in street situations and taking steps to provide those children with access to education and support services. Lastly, in the light of reports that child trafficking was an ongoing problem, she wished to know whether the relevant professionals received adequate training on identifying and supporting child victims of trafficking and on investigating and prosecuting cases of child trafficking.

55. **Ms. Skelton**, noting that the minimum age of criminal responsibility was 16, asked what happened to children under that age who had committed illegal acts. It would be helpful if the delegation could specify what proportion of prisoners aged 16 to 21 were under 18 years old and how many persons aged under 18 were being held in facilities other than prisons, such as reform schools. She wondered what was being done to address the problem of children being held together with adults in prisons and whether the State party had considered setting up an intersectoral programme with a view to reducing reliance on pretrial detention. It appeared that non-custodial alternatives to detention for children were, in practice, used very little. She would like to know whether the pilot project on community work and probation that had been conducted in Maputo had been evaluated and whether it would be rolled out more widely, and whether the State party would like to receive technical assistance from the United Nations in that regard. Lastly, it would be interesting to know whether the children who had raised concerns about illegal logging had been worried in particular about the environmental impact of such activities.

56. **The Chair** announced that the interactive dialogue would resume the following day.

57. *The delegation of Mozambique withdrew.*

The discussion covered in the summary record ended at 5.30 p.m.