



**Convention on the  
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COMMITTEE ON THE RIGHTS OF THE CHILD

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**WRITTEN REPLIES BY THE GOVERNMENT OF MOZAMBIQUE TO  
THE LIST OF ISSUES (CRC/C/MOZ/Q/2) PREPARED BY THE  
COMMITTEE ON THE RIGHTS OF THE CHILD IN CONNECTION WITH THE  
CONSIDERATION OF THE SECOND PERIODIC REPORT OF MOZAMBIQUE  
(CRC/C/MOZ/2)\***

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

**Written replies by the Government of Mozambique to the list of issues prepared by the Committee in connection with the consideration of the second periodic report**

**Part I**

**Question 1. The judicial institution of the State party that deals with potential conflicts between national laws and international conventions, and in such cases, which would prevail.**

1. The above issue is based on the Constitution of the Republic of Mozambique, as per paragraph 38 of the report on the implementation of the Convention on the Rights of the Child as it is prescribed in article 18 that establishes the incorporation of the international conventions into the national legal framework.
2. International conventions are applied within the national legal framework with the same force as the rules of the national law as long as they are hierarchically subordinate to the Constitution. In these terms, when conflicts between the Convention and national laws arise, the following will happen:
3. First, it is the competence of the Constitutional Council to proceed with direct monitoring of the laws as per article 244 of the Constitution that establishes the following: “It is the competence of the Constitutional Council: (a) to consider and declare unconstitutional and illegal on the laws and normative acts of the State bodies”.
4. Secondly, in terms of article 214 “whatever is submitted for prosecution, courts should not apply laws or principles that offend the Constitution”. So, this means that if it is unconstitutional or it offends rules of the Constitution or its principles, the corrupted rules of the common or conventional international law that are unconstitutional may not be applied by the above-mentioned bodies, or their unconstitutionality may be monitored directly or exceptionally
5. Finally with the ratification of the Convention by the Parliament or by the Council of Ministers it is obviously expressing its agreement and taking into account the Constitution, so, the Convention is an object of the constitutional control and is presumed to be in accordance with the Constitution of the Republic and from now on, the Government of Mozambique should comply with its obligations in relation to the content of the International Convention.

**Steps taken to establish the National Child Council**

6. To ensure coordination and articulation of the efforts done by several government institutions and by the organizations of the civil society that intervene within the framework of promoting and defending child rights in the context of the Law No. 7/2008, dated 9 July, the Promotion and Protection Law on Child Rights and National Action Plan for Children created

the National Council of the Child Rights (CNAC) through a decree no. 8/2009, dated 31 March, by the Council of the Ministers.

7. The National Child Council is chaired by the Minister of Women and Social Affairs, while the deputy-chairman is the Minister of Education and Culture and comprises the Ministers of Justice, Health and Youth and Sports. Representatives of the organizations of the civil society and religious entities are equally represented in the Council.. Currently there is a regulation process and appointment underway of their representatives to the Council by the civil society and religious entities.

8. At the Provincial level, Provincial Councils of the Child Rights will be established, considering that there is a greater need to promote and defend Child rights at the local level.

9. The National Child Council has the following prerogatives:

- (a) Promotion of the respect and defence of the child rights contained in the Constitution of the Republic and other laws that are in force within the country as well as International Conventions that Mozambique is signatory;
- (b) Promotion and adoption of measures aiming to curb situations that affect or may affect the safety, health, education and entire development of the child.
- (c) Promotion of the principle of equality between children regardless of gender in order to ensure and enjoy their rights.

10. It is the competence of the National Council of Child Rights to:

- (a) Assess and monitor strategies aiming to provide children with care and formulate proposals for the adoption of measures and enhance defence and promotion of their rights;
- (b) Promote and enhance community participation mechanisms for the defence of child rights;
- (c) Enhance coordination and articulation of the public entities and organizations of the civil society that act in the domain of child rights, in order to strengthen actions carried out in this domain;
- (d). Promote dissemination and implementation of the child rights contained in the Constitution of the Republic and other legislation on this matter, such as the Strategy of the Social Action on Child, and the National Action Plan for Children;
- (e) Promote measures and actions aimed at preventing and combating violence against children, sexual abuse, child prostitution, child labour, trafficking and other forms of child exploitation as well as providing assistance, rehabilitation, and counselling to the victims and their families;

(f) Promote actions and formulate proposals aiming to take measures to ensure equal access of the children of both sexes to education and their school attendance.

11. The National Council of the Child Rights will have its own budget allocated by the Ministry of Women and Social Affairs.

**Question 2. Concrete measures taken to improve the situation of children in the most disadvantaged provinces of the country.**

12. To improve the nutritional situation of children, particularly in the most vulnerable areas of the country, the Department of Nutrition in the Ministry of Health is currently conducting the following actions:

- Promotion of breast feeding focussing on exclusive breast feeding by the mother up to six months of age and the continuation of breast feeding up to two years of age;
- Implementation and monitoring of the Trade Code on Substitutes of Mother's Milk;
- Holding educational workshops at the community level and health centres (pre-natal consultation, after delivery and at maternity before discharging the mother) topics such as balanced breast feeding, vaccination, weight control, hygiene (personal, food and environment), importance of growing vegetables at household level; HIV/AIDS (care with food);
- Holding of nutritional and educational sessions in schools;
- Holding of cooking sessions in the communities and in health centres (nutritional rehabilitation units) basis of local food as a way of teaching mothers on alternative and nutritive porridge that can be cooked for their children;
- Supplementary micronutrients (Iodine, Vitamin A and "Sal Ferroso");
- De-worming with "mebendazol": Children;
- Conducting active inquiries within the community;
- During admission, the treatment of the children with the worst cases of malnutrition with complications with therapeutic milk, and ambulatory with plumpy Nut for serious cases of malnutrition without complications.
- Providing supplements of CSB to children with moderate malnutrition

13. Within the framework of the educational system, to improve the participation of vulnerable and orphan children, the following actions were developed:

- Distribution of snacks and dry ration in schools;
- Provision of scholarships to children from low income households;

- Free distribution of school books for all children at the primary school level;
- Distribution of additional school material to vulnerable children through the Direct Support Programme (ADE) to Schools

**Question 3. Measures that are being taken to minimize the impact of the financial and economic crisis on children**

14. First, the economic crisis did not affect the budget allocation that had been planned previously for three years through the Medium Term Fiscal Scenario, which is being updated annually with the materialization of the Social Economic Plan. Based on this scenario, the assessment, in terms of the income transfer programmes to the households including children that are highly vulnerable is positive, as the annual budget has been growing in the social area.

15. In confirmation of the above, the joint review of 2008 reported that there had been an increase of 0.6 to 0.9 of the State Budget for social expenditures and concluded that the global performance in support of children in 2007 was satisfactory.

16. The expected budget for the period 2007 - 2009 has also shown that the gross value of expenditures in the social area has increased.

**Question 4. Please explain how the effects of likely reductions in foreign aid are being mitigated in the social sectors.**

17. Recommendations of the OP (Poverty Observatory) are taken into account as long as the next sessions on preliminary mapping of the recommendations are done to improve in parallel issues raised by the assessment conducted in the Joint Reviews.

18. During the OP sessions, issues at the central level are defended or answered by the Responsible Minister (of the area) and while, at the provincial level. Provincial Directors are responsible to clarify issues arising in their respective areas.

19. However, these mechanisms are still being aligned to achieve better implementation through improved budgetary provisions and execution.

**Question 5. Please indicate whether the principle of the “best interests of the child” referred to in paragraphs 129 and 133 of the State party’s report was clearly included in all legislation concerning children.**

20. The report refers to the topic mentioned in paragraphs 121 to 125 on relevant provisions of articles 42 and 47 of the Constitution, as well as the reviewed and approved legislation in the framework of protecting child rights. The best interest of the child is reflected in the Constitution and the national law; these are precisely the principles that govern the immediate application of international norms within the national legal framework.

21. A specific case illustrates how some judicial or administrative organs base their decisions on article 3, paragraph 1 of the Convention on the Rights of the Child which establishes that: “In actions concerning children, whether undertaken by public or private social welfare institutions,

courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”

22. In this case, some children were imprisoned in a residence of a Turkish national, where they were sexually abused and mistreated in other acts. In its hearing, the Court took into account the principle of “the higher interest of the child”, invoking the provision of the Convention.

**Question 6. Please provide precise data about the numbers of the complaints received from the Child National Parliament**

23. The Child Parliament is comprised of elected children in accordance with the geographical distribution of the country. At the national level, sessions are held with the participation of children representing all provinces of the country. It should be noted that the sessions of the Child Parliament in which children from the district participate are held under the auspices of the National Parliament in order to hear major concerns presented by children. At the Provincial level, there are also Child Provincial Parliaments to which children from districts are elected by the children themselves

24. In the sessions of the Child Parliament, children express their points of view on their rights as well as their concerns and priorities to the members of the Parliament, Government, Administrative Justice Organs and Civil Society.

25. The elections of the child representatives to the Child Parliament take into account the principles of gender balance, and the representation of different groups of children (those attending school as well as those who are not attending school, those who are at Child Care Centre, Child – Youth Associations and Religious groups, and others. There is no discrimination either on the basis of physical condition, religious beliefs, or the party affiliation of their parents, etc)

26. Children who are members of the Child Parliament undertake several activities of sensitization with respect to child rights, in particular on violence prevention. The preparation and the holding of the Child Parliament to take into account the following issues:

(a) Preparation of the children so that they can understand their role, the respective rules and to enable them to exercise their right to vote;

(b) The entire electoral process, either at teaching institutions or in the communities or in other locations, is carried out by the children and adult interference is avoided. However, adults have an important role in training the other children to understand the whole process of the Child Parliament;

(c) The whole election process of children is done in a free and transparent environment.

**Question 7. Please elaborate on the traditions and customs referred to in paragraph 87 of the State party’s report that continue to perpetuate violence, discrimination and offences**

**against children and provide information on measures adopted to curb and to increase awareness about the new provisions of the new Family Law.**

27. To increase awareness for child protection, several actions on child rights and legislation to protect them have been disseminated, particularly the Family Law, using several means, including the mass media. On other hand, staff at institutions (health education, social affairs, etc.), and organizations were trained with the aim of changing attitudes with respect to child protection.

**Question 8. Please indicate the measures adopted to prevent abuse and punish those who perpetuate violence against children**

28. The Penal Code is under review to ensure that all types of new crimes be included, as well as to adapt it to the dynamics of the national and international legislation.

**Question 9. Please provide information on measures being taken to:**

- (a) Prevent the spread of HIV/AIDS;**
- (b) Subsidize treatment with affordable and sustainable antiretroviral drugs to all HIV-positive children, women and men;**
- (c) Increase coverage of treatment and counselling to dramatically reduce parent-to-child transmission;**
- (d) Conduct specific prevention and awareness-raising campaigns especially among adolescents;**
- (e) Combat stigmatization and discrimination against AIDS orphans;**
- (f) Conclude specific cross-border agreements to provide services and prevent HIV infection in the migrant population.**

29. Measures are being taken to:

- (a) Prevent the increase of HIV/AIDS infections on “adult” population;**
  - Information, education and communication on HIV/AIDS
  - Promotion and distribution of condoms in the health units.
  - Diagnostic and treatment of ITS
  - Counselling and health testing
  - Biosafety and safe transfusions

30. To avoid mother to child transmission, health centres that provide pre-natal care and attention to sexual reproductive health are trained for counselling, testing and prophylactic treatment of HIV/AIDS, apart from the preventive measures mentioned in the previous paragraphs.

31. Counselling and health testing (ATS) was integrated into all services of health centres (clinic consultation, services of admission, screening, Maternity and Paediatric). Counselling and

Community Health Testing (ATS-C) is also one of the current practices aiming to facilitate access to counselling and testing to the population.

**(b) Subsidize treatment with affordable and sustainable antiretroviral drugs to all positive children, women and men.**

32. In this context, the treatment of the opportunistic infections including Tuberculosis, Antiretroviral treatment, Home based care and nutritional support to ensure the survival of the patient.

33. Antiretroviral treatment (TARV) is free of charge at the National Health Service and is conducted at all Provincial capitals and District headquarters in a total of 216 places (as of December 2008).

**(c) Increase the coverage of treatment and counselling to reduce mother to child transmission**

34. By end of 2008, 744 health centres provided mother to child prevention programmes. It is intended that by the end of 2009 such programmes should be provided by an additional 568 health centres that were not covered during that period. These are smaller units that treat lesser numbers of patients

**(d) Conduct specific prevention and awareness-raising campaigns especially among adolescents**

35. A specific programme for youth and adolescents was established – Geracao Bizz Programme – that includes the establishment of clinics for Friendly Service of Adolescents and Youth (SAAJ), available in Health Centres and at the Corners of the Adolescent, in Schools. Its objective is to facilitate the access to education and the prevention of sexually communicable diseases among youth and adolescents;

**(e) Combat against stigmatization and discrimination against AIDS orphans**

36. To fight against stigmatization and discrimination against HIV-AIDS orphans, the Ministry of Women and Social Affairs and the Ministry of Health in coordination with other institutions and organizations have been working in the communities to ensure the access of such orphans and vulnerable children to social and basic services and protect their rights. Equally, awareness-raising programmes are conducted for the households and communities to address the individual needs of these children.

**(f) Conclude cross-border agreements with neighbouring countries to prevent HIV infections in migrant population**

37. The agreement was signed with South Africa on HIV/AIDS prevention.

**Question 9. Please provide detailed information on the measures adopted to prevent and combat child labour**



38. One of the measures to combat child labour is to promote free primary education and the implementation of actions that will ensure access, retention and success of the children in schools.

39. In the same vein, awareness-raising programmes are targeted at households and the society in general regarding the need to ensure that children should have the right to education as well as the duties of the adults in protecting children in addition to incentives of retaining them in schools.

40. The Employment and Professional Training Strategy (EEFP) has as one of its objectives that of developing awareness-raising programmes for business people so that Labour Law should be an instrument that governs all their actions. Thus, the EEFP, within its scope of responsibility, implements programmes in coordination with the labour inspection sector to discourage child labour. Business people have to comply with the Labour Law and other relevant legislation and in cases where the law is not respected, due sanctions are applied to the offenders

41. In the scope of implementing EEFP, the National Institute of Employment and Professional Training, through its professional training centres, disseminates ILO Conventions on the worst forms of child labour and the minimum age for admission to employment, the Labour Law and complementary legislation

42. The Employment and Professional Training Strategy (EEFP) falls within the framework of PRSP (), a guideline instrument of the sectorial plans. It maintains a relationship with the Child National Action Plan. Apart from making provisions in relation to universal access to education, it foresees assistance measures to vulnerable children. The National Action Plan for Children (PNAC) provides clear provisions on child labour prevention and child education.

**Question 10. Please indicate the steps taken to promote and establish a response mechanism and prevention against trafficking.**

43. The Government of Mozambique is most concerned about the issue of human trafficking, especially of women and children. The proof of this concern is reflected in several measures of legislative and administrative character aiming to prevent and combat this evil, as has been highlighted by the ratification of the Palermo Protocol, to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. In the context of the ratification of this important international legal instrument, the Republic of Mozambique has approved a specific law against human trafficking, especially women and children. Currently the Government is in the process of drafting regulations which assign tasks to different organizations including those of civil society. At the regional and international level, the Republic of Mozambique has been conducting activities aimed at improving cooperation due to the cross-border nature of the trafficking crime. On this aspect, a SADC conference was recently held in Maputo on Human Trafficking in the region, at which responsible Ministers approved an action plan that is expected to be presented for approval at the Summit of Heads of State during this year.

44. At the national level, important programmes have been developed such as the National Conference on Criminality where the issue of human trafficking merited special attention. This Conference was under the patronage of the President of the Republic showing his concern. Programmes to disseminate approved legislation were also conducted by the Government and by

civil society in a joint effort to make the population aware of the existence of this instrument. Training and capacity building programmes for the magistrate from the Public Prosecutor and the Judiciary as well as other justice administration agents, police, social workers and all those who are working on this issue have underlined that their principal objective is to prevent and combat trafficking.

**Question 11. Please indicate the issues that affect children in the State party that are considered as priority and require urgent attention**

45. Taking into account that all national instruments do consider the best interests of the child, all actions related to its protection and development constitute a matter of priority for the Government.

**Part II**

**Under this section, the State party is invited to briefly (3 pages maximum) update the information provided in the report with regard to:**

46. The updated information is as follows:

**(a) New Bills**

47. In relation to this aspect, it can be said that laws against Human Trafficking, especially Women and Children, Promotion and Protection of the Child Rights and Organization Protecting Children have been enacted with the following numbers 6, 7, 8/09 and they are in force. At the same time, recently a Law against Domestic Violence has been enacted.

**(b) New Institutions (National Child Council and National Human Rights Commission)**

48. The two new approved institutions are the National Child Council and the National Human Rights Commission.

**(c) New implemented policies and programmes and projects that have been implemented recently and their coverage**

49. The country is implementing the Child National Action Plan and the Action Plan for Orphans and Vulnerable Children in force by 2010 as referred to in the report.

**Part III**

**Taking into account article 4 of the Convention, please provide updated data.**

**1. Child abuse and negligence**

50. According to the information of the Ministry of Interior, from 2006 to 2008, 6.003 cases of violence against children were reported. The details can be seen in the following table:

## Cases of violence against children

Type of the case	2006				2007				2008				Total
	Age				Age				Age				
	0-5	6-9	10-13	14-17	0-5	6-9	10-13	14-17	0-5	6-9	10-13	14-17	
Murder	2	4	1		2	1	1	0	4	1	4	9	29
Private prison					11	10	8	8					37
Mistreatment		4			117	219	66	6	10	23	15	10	470
Found Children <sup>1</sup>	318	195	101	65	867	665	138	148	112	59	44	5	2717
Bodily injury	2			18	31	34	103	123	2	37	30	21	401
Rape				78	0	0	69	58			19	78	302
Intended Bodily injury			6	2	3	7	0	7			8	7	40
Sexual violation	53	79	134	321	37	53	175	19	33	130	166	104	1600
Infanticide	2		2		56	0	0	0	7				67
Abduction	7	10	25	26	13	113	56	6	9	18	8	6	297
Child corruption											2		2
Trafficking												3	3
<b>Total</b>	<b>384</b>	<b>292</b>	<b>269</b>	<b>510</b>	<b>1137</b>	<b>1102</b>	<b>616</b>	<b>375</b>	<b>177</b>	<b>268</b>	<b>302</b>	<b>275</b>	<b>5.669</b>
	<b>1455</b>				<b>3230</b>				<b>1022</b>				<b>6.003</b>

Source: Ministry of Interior, 2009

All these cases deserve due treatment according to their nature.

### 2. Trafficking, pornography, sexual exploitation of children

51. Mozambique has ratified Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography where its provisions are observed in the national legislation. There were no cases recorded of children being used for the purpose of sexual exploitation. However, there is a record and sporadic cases of children

<sup>1</sup> Found children refers to the lost children.

involved in prostitution. To prevent the involvement of children in prostitution, several programmes are being developed to sensitize children and families. On the other hand, programmes are being developed for the sound use of the free time and for pre-professional training for vulnerable children as well as income generating programmes for vulnerable households.

### *Activities developed in the trafficking area*

52. The activities undertaken in the trafficking area are as follows;

- Establishment of the Criminal Investigation Police Brigade in Maputo city that deals with trafficking cases.
- Lectures at police training schools (Matalane Basic Centre and Police Academy of Science),
- Lectures in public schools and in the community,
- Capacity building of the CID (PIC) and duty police officers, commanders of the police stations and districts,
- Training focussing on the border guard police for identification, assistance and guiding the victims that report as having been trafficked.
- Dissemination of the Laws about Promotion of Child Rights and the Law on Human Trafficking (Laws 7 and 6/2008)

### **3. Please provide disaggregated data in relation to the right to education.**

53. In absolute terms, the number of students aged 6 to 18, enrolled in Primary Education (EP) and Secondary Education rose from 4.39 million in 2006 to 5.23 million in 2008. In a similar manner, TBE and TLE in the primary education (EP – from 6 to 12 years) have increased during the same period from 112.6per cent to 126.9per cent and from 87.7 per cent to 99.2 per cent respectively.

54. The school network had also witnessed a substantial expansion with the numbers of schools of EP1 growing from 8.954 in 2006 to 9.649 in 2008. While the number of schools in EP1 has increased, this did not keep up with the growth in the number of students. As a result, the ratio of students by schools of EP1 has increased from about 400 students in 2006 to 433 students in 2008. The number of teachers has also increased reducing the average of 76 students per teacher in EP1 in 2006 to about 71 in 2008. The proportion of non-qualified teachers was almost at standstill with a trend to reduce, having dropped from 38per cent in 2006 to 37per cent in 2008.

55. The gross rate of completion of EP1 has been improving significantly, having passed from 75 per cent in 2006 to 78 per cent in 2008. In EP2 the gross rate of children that completed the seventh grade increased from about 35 per cent in 2006 to 55 per cent in 2008.
56. In terms of access to education services geographical disparities still persist, although these decreased significantly over the period 2006 to 2008, having affected particularly children of the central and northern provinces of the country and in the rural areas.
57. Gender differences mainly in the level of access to education and also in the level of completion continued to decline between 2006 and 2008. In 2006 the difference between the net rate of schooling between both sexes in EP1 which was disadvantageous to girls (1st to 7th class) was 7 per cent. This was reduced to 5.9 per cent in 2008.. The net rate of schooling in EP for females increased from 86.3 per cent in 2006 to 96.2 per cent in 2008. The schooling rate for six year olds in 2008 was equal for both sexes (72.9 per cent).
58. Assuming that quality improvement in education will result in a continuous process of improvement and changes, both of the structures as well as the teaching and learning methodology of the students, the Government focussed its interventions in a triangle comprised of three interlinked elements– the curriculum, the teacher and the teaching methods, in particular students’ books and teacher’s manual.
59. In 2003 a curriculum transformation was concluded in the basic education, and new education programmes were tested in selected experimental schools in all provinces of the country. From 2004, the new curriculum is being implemented, having as its main pedagogical innovation: integration of the seven classes of basic education, with a structure of knowledge by areas instead of logic training; a national curriculum with core knowledge, skills and compulsory learning values for all students of the country and flexible space to introduce the so-called local curriculum; promotion of learning cycles instead of the previous structure by yearly terms; introduction of the Mozambican languages as teaching languages for lectures in a bilingual perspective; introduction of English language from the third cycle that correspond to the sixth grade; and the introduction of Crafts, Civic and Moral Education.
60. Currently, training of teachers constitutes the main challenge for the Mozambique Government. In this context, about 15 thousand teachers benefited from courses that will provide them basic graduation level for primary education. Parallel to that, as a way of improving the quality and teachers’ performance within the framework of the new basic education curriculum, more than 40 thousand teachers were sent to retraining courses during the period.
61. The exemption in paying school fees for primary education constitutes one of the most important measures undertaken by the Mozambican Government to allow all children to have access to school. This measure is complemented by the free distribution of school books to all students in primary education.
62. The growth of primary education has resulted in more pressure on the secondary education, especially the First Cycle where strong growth has been recorded compared to primary education.. The number of units teaching at this level has risen from 216 in 2006 to 285 in 2008

and the number of students has increased from 257.7 thousand in 2006 to 361.9 thousand in 2008. This growth constitutes one of the major challenges that Mozambique will have to face in the future, so, at present the means are not sufficient to respond to the demand.

63. In order to explore distance learning as an alternative measure for expanding access to education and experiment is under way involving students of secondary education of the 1st cycle in one of the provinces and as of 2009 the experience has been generalized throughout the country.

64. Within the framework of adult education, one of the measures of the strategic outreach taken by the Government was the revival in 2000 by the responsible institutions of the management and development of this activity at the national level. With the establishment of this organ, a specific strategy was developed for adult education and approved by the Government in 2001. This strategy created a legal platform to accommodate non-governmental organizations in the implementation of the adult education programmes at the national level.

65. New adult education programmes were developed and their respective books were produced. The schedule for adult education and the timetable of the lessons are being negotiated in a flexible manner with the interested parties, so that the learning can be attuned to their productive needs. Currently different adult education programmes are being implemented, such as the use of radio and TV.

**4. Please provide data that covers the last three years and figures about:**

**(a) Children under 18 years who were prosecuted as adults**

66. If a child is under 18 years and more than 16 years and is charged and depending on the crime and the degree of repeated offences, he/she can be convicted and prosecuted. There may be cases of children under 18 years and above 16 that have been charged and sentenced and servicing the punishment. However, no data exists on the number of such cases throughout the country.

**(b) Persons under 18 years detained in adult penitentiaries**

67. The age of the citizen is proved by presentation of the ID document and not by physical features. The rule is that the inmates in the prisons should always be over 16 years. For youth in conflict with the law who are below 16 years are interned in rehabilitation centres for example at Chiango Centre. There is a need to note that the criminal may wish to omit or lie about his true age. If the judge knows the true age of the uncharged child, it is less probable that this child would be convicted and sent to prison.

**(c) Reported cases of abuse or ill-treatment of children that occurred during their arrest or imprisonment of children in conflict with the law**

68. Data on children in conflict with the law that have suffered ill-treatment during arrest is not available. Normally when a child in conflict with law is arrested he/she must be investigated according to his/her age and the type of crime committed and if it is proved that he is a child

then he is not charged or is released if his/her offence is not serious or he /she i maybe sent to a children's' rehabilitation centre such as Chiango or interned in another youth resettlement centres.

69. A criminal section of the Juvenile Justice at Maputo city section has been set up and Juvenile sections of the provinces of Maputo, Sofala and Nampula are in the process of extension to the rest of the provinces of the country.

70. To ensure better care of these children, several programmes of capacity building on issues related to children in conflict with the law at the national level have been held to train staff involved in the Juvenile justice including the magistrate of the Public Prosecutor and Judiciary, Police, social affairs, health and education..

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