



Convention on the Rights of the Child

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Committee on the Rights of the Child Fifty-second session

Summary record of the 1430th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 16 September 2009, at 10 a.m.

Chairperson: Ms. Lee

Contents

Consideration of reports of States parties (*continued*)

Second periodic report of Mozambique

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Consideration of reports of States parties (*continued*)*Second periodic report of Mozambique (CRC/C/MOZ/2, CRC/C/MOZ/Q/2 and Add.1)*

1. *At the invitation of the Chairperson the delegation of Mozambique took places at the Committee table.*
2. **Ms. Levi** (Mozambique) said that according to the preliminary statistics from the census of August 2007, the population of Mozambique was around 20.5 million, of whom more than 10.5 million were children. Around 7 million children lived in rural areas and came from poor families.
3. Mozambique had launched various initiatives to safeguard children's best interests in all fields. Important legislative and administrative steps had been taken to improve children's living conditions and to strengthen institutional mechanisms intended to promote and protect children's rights, in particular the establishment of the National Youth Council, the Child Parliament and the National Human Rights Commission. Furthermore, the National Action Plan for Children and the Plan for Orphan and Vulnerable Children had been drawn up.
4. Mozambique had ratified several international instruments for the protection of children's rights, namely the Convention on the Rights of the Child and its Optional Protocols, the African Charter on the Rights and Welfare of the Child and International Labour Organization (ILO) Conventions concerning the Minimum Age for Admission to Employment and the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
5. A great deal of legislation had been adopted to implement fully the ratified instruments, including the Promotion and Protection Law on Child Rights, the Law on Preventing and Fighting against Trafficking in People, in particular concerning women and children, and the Act on the Legal Organization for Minors. The Family Law had been modified to eliminate any discrimination and guarantee equality of treatment in family relationships. The legal marriage age had been set at 18 for both girls and boys. Changes had also been made to the Civil Registry Code, extending the free birth registration period, and to the Act on Domestic Violence, which included measures to prevent and punish domestic violence and to assist victims. The Penal Code was also under revision.
6. Various programmes had been implemented to combat human rights violations. Human rights training courses had been organized for members of the judiciary and police officers, who were given specific training on assisting victims.
7. Human rights, peaceful conflict resolution, respect for human dignity, equal rights and the rejection of all discrimination were all issues covered in schools, starting at the primary level.
8. Advisory and assistance services for victims of violence had been set up. A total of 204 offices, to assist women and children who had been victims of domestic violence, had been inaugurated throughout the country. Furthermore, an emergency telephone line had been set up for victims of all forms of violence. A national database on domestic violence had been created and operatives trained in managing the information in it.
9. The extension of the birth registration period had led to an increase in the number of registered births. Programmes aimed at children and involving children were broadcast by the media, particularly by community radio stations.
10. The Government had prioritized primary health care in order to reduce the high morbidity and mortality rates, particularly amongst the most vulnerable groups. It had also

implemented education, prevention and free care programmes. Access to maternal and infant health services had improved as a result of the expansion of the health-care network.

11. The HIV/AIDS pandemic had affected many children. Various campaigns had been undertaken to raise awareness and prevent stigmatization and discrimination. In 2005, the Government had launched a nationwide campaign to combat HIV/AIDS among children, with encouraging results.

12. Improving access to education was a strategic element in the fight against poverty and in integrating individuals socially and economically. The Strategic Education Plan, which sought to improve teaching quality and access to education, had produced good results. The Plan included measures to abolish primary education enrolment fees and to introduce free school textbooks.

13. Despite those efforts and the progress achieved in the promotion and protection of children's rights, there was still much to be done. The implementation of various instruments, as well as the removal of obstacles that impeded compliance with international and regional instruments, were still major challenges. Mozambique had to make efforts to identify new strategies in order to fulfil its commitments.

14. **Ms. Aidoo** (Country Rapporteur) noted that the report, which should have been submitted by 25 May 2001, had only been submitted on 26 February 2008. However, precise information had been given, which the delegation would have the opportunity to add to during the session.

15. She noted that Mozambique had shown great resilience in its development efforts, especially with regard to children, despite the 16-year civil war that had ended in 1992. Although it was one of the 20 poorest countries in the world, it was one of Africa's most successful examples of post-conflict reconstruction and economic recovery. Its economic growth rate, between 7 and 9 per cent, was well above the continent's average.

16. Mozambique was on course to achieve Millennium Development Goal 1 on extreme poverty, Goal 4 on child mortality and even Goal 5 on maternal mortality. However, the lack of progress on other goals, especially those having to do with education, access to safe drinking water and sanitation and HIV/AIDS, was a major cause for concern relating to the realization of children's rights.

17. Mozambique was to be commended for its political will, illustrated by the adoption of many national laws and the ratification of international instruments intended to protect children. The adoption of the Promotion and Protection Law on Child Rights in 2008 and of the Family Law in 2004 and the ratification of the Optional Protocols to the Convention on the Rights of the Child, the United Nations Convention against Transnational Organized Crime (Palermo Convention) and ILO Conventions Nos. 138 and 182 all clearly indicated the country's political commitment.

18. Nevertheless, there were still important challenges to be dealt with, in particular corruption, increasing inequalities, poverty, HIV/AIDS and the heavy dependency on development partners.

19. She highlighted four major challenges that directly threatened the realization of children's rights. Firstly, the serious, ongoing inequalities between the southern provinces and those in the centre and north of the country, and between rural and urban areas, in terms of budgetary allocations and provision of social services for children.

20. The second threat, undoubtedly the most serious, was HIV/AIDS. Given that health services were overwhelmed, that the number of AIDS orphans had continued to increase and that life expectancy had dropped to 36 years of age, urgent measures were needed to protect children.

21. To tackle the third threat, poverty, the State party had adopted poverty reduction strategies. However, while, overall, poverty was decreasing, 58 per cent of children still lived below the poverty line in 2003, which gave rise to serious concerns for their development.

22. Finally, natural disasters, in particular recurring floods and droughts, affected the poorest areas and further undermined food security, nutrition, infrastructure and sustainable development.

23. She noted that, according to the State party's report, the Convention on the Rights of the Child had the same status as domestic legislation and asked whether the Convention was regularly invoked by courts or in administrative procedures. She also wondered, in the case of a conflict between domestic legislation and the Convention, which would prevail.

24. She welcomed the adoption in 2008 of the Promotion and Protection Law on Child Rights and the new Jurisdictional Organization for Minors Law, but noted with concern that the Government had not established the necessary regulatory framework to implement that legislation.

25. The State party's report stated, in paragraph 101, that the Ministry of Women's Affairs and Social Welfare was responsible for coordinating child-related activities. The National Council on Child Rights had been established in March 2009, pursuant to Council of Ministers Decree No. 8/2009, to ensure coordination and monitoring of Government and civil society efforts for children. She asked the delegation to inform the Committee on whether the National Council was now functional. She expressed concern at the National Council's financial dependence on the Ministry of Women's Affairs and Social Welfare, which received only 1 per cent of the total national budget. She asked the delegation to specify what resources the Ministry could allocate to the National Council for it to function and whether the National Council could become an independent body, financed by its own funds but working in cooperation with the Ministry and other relevant ministries and stakeholders.

26. The Promotion and Protection Law on Child Rights defined a child as a person below the age of 18. However, the Civil Code set the age of majority at 21. She asked the delegation to clarify that point.

27. She wished to know how the State party intended to bridge the gaps between children in different provinces and between those in rural and urban areas, in order to ensure them equal rights, and whether there were plans for an affirmative action programme to target vulnerable children in disadvantaged areas, in order to guarantee the realization of their equal rights within a given time frame.

28. She welcomed the fact that, since 2004, birth registration was free for the first 120 days instead of 30 days. Nevertheless, only 40 per cent of births were registered nationally and that rate fell to less than 10 per cent in certain areas. She therefore asked what was being done, beyond occasional campaigns, to make registration into a standard practice, including in remote areas, and to convey the importance of registration. She wondered whether the State party might consider abolishing registration fees for the first 12 months.

29. **Ms. Maurás Pérez** (Country Rapporteur) noted that the State party's resources mainly came from international cooperation and that dependence on foreign funds would undoubtedly remain high for several years to come. She asked how the State party sought to ensure the optimal use of funds from international cooperation and why budgetary credits allocated to social issues had decreased over the last few years. She also wished to know whether attempts were being made to break down the budgetary data, to allow more detailed monitoring of investments, subsector by subsector. It would appear that the funds allocated for education and for combating AIDS had decreased, despite the evident need,

that the main part of the State budget was spent on operating costs and that the absorptive capacity was only 17.3 per cent. Funds should therefore be reallocated on the basis of priorities and taking into account the severe geographical disparities.

30. In order better to target the priority issues for action and the priority regions, the State party should continue with its efforts to implement a national statistical system. She asked the delegation to explain how the State party intended to improve data collection on children. She also wondered whether a legal framework had been set up to manage foreign private investment and particularly to ensure that it was applied with social and environmental responsibility. She requested additional information on the national and provincial Child Parliaments, asking about the selection procedures for children who participated and whether their conclusions were transmitted to the relevant authorities.

31. **Mr. Zermatten** welcomed the introduction of the principle of children's best interests in the Constitution, but noted that it had few practical applications, suggesting that the principle be cited clearly in all new bills. The same was true for the principle of child participation. The obligation to gather children's opinions on all decisions that concerned them and in all fields had apparently not been enshrined in law.

32. The right to appropriate information was a challenge on two fronts: the State had a duty to protect children to a greater extent, especially from pornographic content, and at the same time needed to improve access to books, by increasing the number of libraries. Steps should also be taken to ensure that the media complied with article 16 of the Convention, in particular concerning the anonymity of child victims. He recalled that, in previous concluding observations, the Committee had expressed concern at the number of road accidents and accidents caused by anti-personnel mines and asked if the situation had improved.

33. **Mr. Kotrane** said that he understood that the acts adopted in 2008 had not yet come into force and asked for clarification. He also asked the delegation to confirm whether the Convention took precedence over domestic legislation and whether it could be applied directly.

34. **Mr. Pollar** noted that there was still a lack of data and statistics on certain categories of children, such as children who lived or worked on the streets. Not enough information was provided in the report on international cooperation. He asked what aid the State party received from international financial institutions, what percentage of that aid was allocated to children and who were the State party's international partners in the field of children's rights.

35. **Mr. Gurán** noted that the establishment of the National Child Council had been much delayed, only coming into being in 2009. He asked how the State party intended to ensure the smooth running and efficiency of that body.

36. In May 2009 a law had been adopted to set up a National Human Rights Commission. He asked whether it would have a specialized department, with its own personnel, capable of carrying out independent monitoring of the implementation of the Convention. He hoped that those new institutions would use the network of Child Parliaments to encourage child participation.

37. **Mr. Filali** asked what provision Mozambican law made in the event of a conflict between the Convention and domestic legislation. He also wondered whether children born out of wedlock could be registered without prejudice and what steps had been taken to combat violence in places of detention.

38. With regard to the National Human Rights Commission, set up in the first half of 2009, he requested information on its composition; the selection procedures for its

members; its budget; its level of independence with regard to the executive; and its cooperation links with other African national human rights institutions.

39. **The Chairperson** noted that the Ministry of Women's Affairs and Social Welfare was responsible for child policies and that the Ministry of Justice would be represented within the new National Child Council. She asked the delegation to explain how the two Ministries would cooperate.

The meeting was suspended at 11.15 a.m. and resumed at 11.45 a.m.

40. **Ms. Levi** (Mozambique) thanked the Committee for recognizing the efforts of the Government. The Government was aware of the problems facing the country, some of which were inherited from the colonial era and some the result of independence, but wanted to move forward. Being a poor country did not prevent them from planning. That was why Mozambique had decided to accede to the African Peer Review Mechanism, which had already provided some results, even if major challenges, such as corruption and geographical and social disparities, remained.

41. Mozambique was a vast, multi-ethnic and multidenominational country where various realities coexisted. The Government was determined to strengthen national unity and to reduce inequalities, especially between regions. One of the objectives of the current five-year plan was combating extreme poverty. Thanks to the development funds set up with a view to developing the country's 129 districts, businesses had been created, production had increased and migration to the big cities had decreased. In fact, poverty was increasing in cities and decreasing in rural areas. Inequalities persisted between different provinces; Nampula and Zambèze provinces were potentially the richest due to their vast mineral wealth.

42. Progress had also been made in reducing inequalities in access to higher education. Universities had been established in several provinces and quotas had been fixed for the admission of students from less well-off areas.

43. The Ministry of Justice was the main coordinating body for all human rights issues. The National Child Council, established by Decree No. 8/2009 on 31 March 2009, was being set up. It was intended that it would have its own budget, but would work together with the Ministry of Women's Affairs and Social Welfare, which was also responsible for children's issues. The total budget allocated for children was divided among all the Ministries that dealt in one way or another with children, such as the Ministry of Education or the Ministry of Health.

44. Of the budget allocated for combating poverty, 53 per cent came from foreign aid. Nevertheless, the Government was increasing the budget for that issue. During the world food crisis, Mozambique had adopted an action plan for the production of foodstuffs, which had allowed it to increase farm output and reduce its purchases of food products from neighbouring countries.

45. There had been some debate on the definition of a child in Mozambique, which had ended with a general consensus that the legal age for marriage, suffrage and majority would be 18. Legislation would be standardized accordingly and the current Civil Code, which defined the age of majority as 21, would be amended.

46. The registration of the birth of a child was the basis for his or her citizenship. In Mozambique, that procedure diverged from tradition, because a child was not born with a name. The naming of a child involved the wider family and community and usually took place at least a month after the birth, up to a maximum of 120 days. Extensive campaigns had been carried out to raise parents' awareness of the importance of registering their child with the civil registry and further campaigns were planned to disseminate information on children's rights via school curricula, the media, NGOs and civil society organizations. The

birth registration network had been reinforced and there was now a civil registry office in each district. Nevertheless, the network needed to be developed further, as certain districts in Mozambique were as big as some European countries. Furthermore, an agreement had been reached with the Ministry of Education whereby schools could notify the Ministry of Justice of any unregistered children. The Ministry of Justice would then send a team to register the children. Mozambique was working closely with the United Nations Children's Fund (UNICEF) in that area. It was planned to establish a national database that would lead to a centralized registry and would avoid the problem, in particular, of the same child being registered several times.

47. Many landmines had been laid during Mozambique's two wars. Demining programmes were being implemented, but landmines remained a threat to the population and particularly to children, who were not able to understand the notices warning of minefields. Many countries, including Switzerland, had been working with Mozambique to clear mined areas, but such cooperation had largely come to an end, despite the fact that the problem was not resolved.

48. The number of vehicles in Mozambique was increasing exponentially. The roads were very dangerous and often children were the victims of road traffic accidents. Steps had been taken, including joint efforts by the police, the Ministry of Transport and Communication and the Ministry of Health to reduce the number of accidents. New laws provided severe penalties for negligent drivers.

49. **Ms. Aidoo** (Country Rapporteur) asked whether the State party intended to set up mobile birth registration teams who could travel between villages and communities. She also wondered whether free registration could be provided beyond the 120-day limit.

50. **Ms. Maurás Peréz** (Country Rapporteur) welcomed the fact that the National Child Council's budget would be independent of the Ministry of Women's Affairs and Social Welfare, but queried the Council's independence to take decisions and run itself. She suggested that the State party should make use of the experience of other countries that had set up similar bodies, as a basis for organizing the day-to-day running of the Council. For example, in Latin America all issues related to the implementation of children's rights were considered, not only by the relevant ministries but also by a multisectoral, financially and politically independent body, which gave opinions and monitored compliance with children's rights.

51. **Mr. Citarella** asked whether it was difficult to register children born out of wedlock and whether children who did not have birth certificates could be enrolled in school easily.

52. **Ms. Levi** (Mozambique) said that there were mobile birth registration teams in Mozambique, operating in areas where municipal or district level structures did not exist. Furthermore, the poor could register the birth of their child free of charge after the 120 day deadline. Extending that possibility to the rest of the population would require a change to the law.

53. Non-registered children could be sent to school. Children born out of wedlock had exactly the same rights as other children. Since the adoption of the Family Law in 2004, there was no longer any distinction between "legitimate" and "illegitimate" children.

54. She recognized that the National Child Council needed more independence and said that civil society and religious groups would be represented within it.

55. With regard to conflicts that could occur between ratified international treaties and domestic law, she recalled that, under article 18 of the Constitution of Mozambique, international law had the same value as infra-constitutional normative acts. The ratification of any international instrument was dependent on its conformity with the Constitution,

which was why there was always a certain time lapse between the signature of an instrument and its ratification.

56. She regretted that international law was not invoked more often in Mozambique, but emphasized that there was now juridical and judicial training available to members of the justice system, including police officers, on the implementation of international instruments.

57. **Ms. Maurás Pérez** (Country Rapporteur) asked what steps the State party intended to take to set up a child rights statistical system and to reinforce the indicators related to children's rights. Moreover, she said she would welcome additional information on the Child Parliament, including the date of its last meeting and on how the requests of children from the remotest provinces were sent in and transmitted to the national authorities.

58. She asked the delegation to expand on the social and environmental responsibility of businesses funded by foreign direct investment, as the activities of such businesses had a significant impact on the well-being of poor families and, consequently, their children.

59. The last budgetary year had witnessed a decrease in the budget allocated to combat HIV/AIDS. She asked why such a decision had been taken, given the high incidence of the infection in Mozambique, and queried the impact of that decision on the performance of the health service as a whole. Mother-to-child transmission of the virus was a cause for concern, requiring screening and paediatric treatment. She asked whether the State party had taken into consideration the fact that a reduction in the budget to combat HIV/AIDS could have an impact on the quality and availability of paediatric care. She said she would also like more information on the agreement between the State party and South Africa on HIV/AIDS prevention.

60. She asked what steps the State party intended to take to protect the health of adolescents, in particular adolescent girls, given that harmful traditional practices, early pregnancies and rape were still widespread.

61. Finally, she asked whether the Law on Preventing and Fighting against Trafficking in People included articles on trafficking within the country, especially between regions.

62. **Ms. Aidoo** (Country Rapporteur) asked what steps had been taken to combat the dreadful traditional practice whereby children were handed over as payment of a debt or to end disputes between families.

63. **Ms. Herczog** said that the report prepared by children themselves showed that children from vulnerable groups wanted to obtain greater protection and support. She considered that their remarks should be taken into account.

64. With regard to adoption, she asked whether the State party intended to ratify the Hague Convention, which would enable it to harmonize adoption procedures. She also wondered whether adoptive parents received any preparation for their role and what was the percentage of foreign and national adoptions respectively. She asked whether the possibility of leaving the child in the care of the extended family was considered before resorting to adoption in the strict sense and whether it was possible for the adopted child to know who his or her biological parents were.

65. She requested additional information on fostering, particularly with regard to the selection criteria for foster families and follow-up procedures. She asked whether the State party had any statistics on the number of children in care who could be adopted and whether any measures had been introduced to encourage fostering children rather than placing them in care institutions. Finally, she wished to know when the regulatory framework for the national child protection policy would be applied, given that that would establish a minimum set of rules to adhere to when placing children.

66. **Mr. Puras** asked what steps had been taken to improve integration of children with disabilities, who were confronted with a lack of financial means and persistent prejudices, and whether new care facilities for children with disabilities would be created, in addition to the three specialized schools mentioned in the report. He also asked whether there was an independent monitoring body to verify the living conditions of children with disabilities in care or living with families.

67. He noted that, despite the recent progress, the mortality and morbidity rates for children remained high and asked what the State party intended to do to resolve that issue. He also wished to know whether further training was planned for health professionals, so that families living in remote areas could also enjoy health care and benefit from preventive measures.

68. **Mr. Pollar** welcomed the establishment of the National Refugee Support Institute, which was responsible for safeguarding refugees' rights to education, health and social security, and of a school and health centre in the Marratane refugee centre. However, he noted with concern that, according to some reports, there had been many instances of inter-ethnic tensions in the camp; that some children had been the targets of corporal punishment due to their ethnicity; and that sexual violence against girls was relatively widespread. With regard to child refugees placed in foster homes, it would appear that some of them had been exploited for financial gain. He asked the delegation to comment on that issue.

69. He welcomed with satisfaction the State party's signature of the Optional Protocol on the involvement of children in armed conflict. He asked the State party to confirm, however, whether the minimum age below which a child was not authorized to participate in the conflict could be lowered in wartime, and whether it was true that girls who had been victims of sexual exploitation during a conflict were excluded from rehabilitation programmes. He requested additional information on that issue.

70. **Ms. Villarán de la Puente** asked for details of the preventive measures used to combat violence against children. She asked whether the State party had carried out studies on the consequences of violence on children and how that issue was dealt with in schools and the media. She also asked whether the media were used to spread messages about prevention and to encourage changes in attitudes, in order to end the trivialization of violence. She asked the delegation to clarify whether psychological and physical rehabilitation services for child victims of violence were available; how much of the budget was allocated to preventing violence and caring for victims; and whether any statistics on violent acts against children committed by members of the security forces were available. She also requested that the delegation explain how violence was perceived in the State party and what was being done to combat impunity. Finally, she asked how the State party dealt with the after-effects of conflicts on children.

The meeting rose at 1 p.m.