

Supplementary report on

“Sexual Exploitation of Children in Mozambique”

to the third and fourth periodic reports of Mozambique on the implementation of the Convention on the Rights of the Child and the Optional Protocol on the sale of children, child prostitution and child pornography.

Submitted by

ECPAT International and Rede da Criança

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Rede da Criança is a network of 132 national and international organisations committed to the welfare of children living in difficult circumstances in Mozambique. Its objectives are to improve the joint impact of its members in their realisation of social and educational programmes, resource mobilisation and public sensitisation and advocacy for the rights and needs of children



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ECPAT International is a global network of civil society organisations working for the eradication of all forms of sexual exploitation of children. For the past 28 years, ECPAT has acted as the international watchdog, monitoring States' response to sexual exploitation of children, and advocating for robust international measures to protect children from sexual exploitation. ECPAT International currently has 104 network members operating in 93 countries.

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Context of this supplementary report

1. In 2003, the Government of Mozambique (GoM) acceded to the Optional Protocol on the sale of children, child prostitution and child pornography (OPSC) and thus committed explicitly to combat sexual exploitation of children (**SEC**). In September 2015, through the adoption of the 2030 agenda for Sustainable Development, the GoM re-committed explicitly to eliminate all forms of violence against children, including sexual abuse and exploitation.¹
2. The present report is supplementary to the third and fourth periodic reports of Mozambique on the implementation of the Convention on the Rights of the Child, and is based on ECPAT International's and Rede da Criança's research for the period 2009-2018. The report is submitted to ensure that the Committee will emphasise the importance of the issues mentioned in the OPSC, even though the GoM has to date not yet submitted its initial report on the implementation of the Optional Protocol.
3. The scope of this submission is limited to **SEC** and its different manifestations, including exploitation of children in prostitution,² online child sexual exploitation (**OCSE**), child sexual abuse materials (**CSAM**),³ child trafficking for sexual purposes, sexual exploitation of children in the context of travel and tourism (**SECTT**)⁴ and child, early and forced marriage (**CEFM**).

Status and developments regarding sexual exploitation of children in Mozambique

4. Mozambique is a semi-presidential representative republic. Executive power is exercised by the President and the Government; while legislative power is held by a unicameral Assembly of the Republic. In 2017, the country's population reached 29,668,834 inhabitants,⁵ of which around 14.929 million are under 18.⁶ Mozambique is the world's 127th largest economy,⁷ and it enjoys a low human development rate (0.437 as of 2017).⁸ A 2016 report from the World Bank revealed that around 60% of the population were in a situation of extreme poverty,⁹ which significantly increases the vulnerability of Mozambican children to SEC. Furthermore, local activists reported that disasters in recent years, such as droughts and floods, have increased the economic difficulties of low-income families and driven more women, and potentially girls, into prostitution.¹⁰ Rede da Criança also pointed out that, as a consequence of the emigration of the working population, children are left behind under the care of the elderly or other children, which further increases their vulnerability to SEC.
5. Even though there is no updated data that would allow to precisely assess its scope, **exploitation of children in prostitution remains an important problem in the country**. Mozambican girls are reportedly exploited in prostitution in bars, roadside clubs and restaurants, notably in Maputo, Nampula, Beira and border towns, as well as at overnight stopping points along key transportation routes, such as the southern transport corridor that links Maputo with Eswatini and South Africa. Children from Zimbabwe, Malawi and Eswatini, many of whom entered the country alone, are particularly vulnerable to SEC; and the coercion of displaced or migrant girls into the sex industry is common, particularly in the province of Manica.¹¹ According to local activists, a high number of mostly orphaned girls have suffered sexual initiations amounting to rape at the hands of their guardians before being offered to older men in exchange for money or other benefits. In addition, some police officers reportedly extort sexual favours from children exploited in prostitution in exchange for turning a blind eye to their activities.¹²

6. **Mozambique is a source, transit and, to a lesser extent, destination country for children subjected to sex trafficking.** Migrant girls from neighbouring countries, as well as girls from rural areas are reportedly lured to cities in Mozambique or South Africa with promises of education or employment, and then exploited in sex trafficking. Mozambican girls also remain subjected to sex trafficking in foreign countries such as Angola, Italy and Portugal. Child sex trafficking is of particular concern in the cities of Maputo, Beira, Chimoio, Tete and Nacala, which have a large number of truck drivers and highly mobile populations. In addition, the growing influx of workers and economic migrants seeking employment in the extractive industry is leading to an increased demand for sexual services in the cities of Tete and Cabo Delgado, which could potentially contribute to an increase in child sex trafficking.¹³ The GoM conducted investigations on 142 suspected cases of human trafficking from 2014 to 2016, as follows: 27 in 2014, 95 in 2015 and 20 in 2016. However, it did not provide case-specific details.¹⁴ Only five human trafficking cases were investigated in 2017, all of them linked to forced labour.¹⁵ Overall, 65 persons were convicted for human trafficking offences from 2014 to 2017.¹⁶
7. According to the Ministry of Culture and Tourism, 1,513,640 persons arrived in Mozambique in 2017, compared to 1,969,716 in 2013. Over the same period, the number of persons visiting the country for tourism purposes decreased from 1,294,996 to 1,103,668, while the number of business travellers decreased from 311,767 to 162,627.¹⁷ Despite this decline in tourism, **the high prevalence of child prostitution in and around transport hubs and extractive industries makes it likely that SECTT-related offences occur in the country.** In 2016, ECPAT's Global Study on SECTT demonstrated that a large number of perpetrators fall under the category of "situational offenders", who do not necessarily travel with the specific intent to engage in SECTT. Those involved may include tourists, businessmen, workers and men and women who cross borders frequently for work such as truckers.¹⁸ However, more qualitative studies would be needed to precisely assess the scope, characteristics and dynamics of SECTT in Mozambique. In 2015, local media reported that sexual exploitation of children in prostitution was on the rise in the tourist city of Vilanculos.¹⁹ Six stakeholders from the international tourism industry with operations in the country signed ECPAT's Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism; but no local company did.²⁰
8. Despite some improvements over the last few years, Internet access remains limited in the country. Indeed, only 17.5% of the population were using the internet as of 2016, compared to around 7.3% in 2013.²¹ Mozambicans seem to mostly access the internet through their smartphones, as 11,875,506 mobile cellular subscriptions were registered in the country in 2017,²² versus only 41,653 fixed broadband subscriptions.²³ Despite these low numbers, **the recent rise in internet users increases the risks associated with online grooming, OCSE and the distribution of CSAM in Mozambique.** However, the current lack of up-to-date statistics and qualitative studies on these phenomena makes it difficult to assess their scope, characteristics and dynamics. In November 2016, local media reported that social networks were used to lure women, and potentially girls, into registering on websites that promote and facilitate prostitution.²⁴
9. **CEFM remains widespread in Mozambique,** and appears to be fuelled by illiteracy, gender stereotyping, poverty and traditional practices. Patriarchy is also one of the main drivers of this phenomenon, as a 2015 joint report by UNICEF, UNFPA and Girls Not Brides established that girls from female-headed households have a significantly lower probability of marrying before 18.²⁵ According to UNICEF, 48% of Mozambican women aged 20 to 24 were first married or in union before 18, including 14% before 15;²⁶ but Child Not Brides informed that child marriage rates are even higher in the Northern provinces, with over 55% of girls married before 18, and nearly 25% before 15.²⁷ Overall,

the country has the 9th highest child marriage rate in the world.²⁸ The province of Manica seems to be the most affected by this phenomenon, and notably the districts of Machaze, Manica, Báruè, Guro, Gondola and Tambara. Local civil society reported that, in some instances, unborn girls from poor families are already promised to their future husbands, who in exchange agree to cover the expenses related to the pregnancy. In addition, some girls are sent to South Africa to marry older Mozambican migrant workers, and the payment of dowries seems to be a common practice.²⁹ Girls Not Brides also reported that, in the Central and Northern provinces, children usually aged 10 to 13, but sometimes as young as 8, attend initiation camps where girls are taught to be obedient to their future husbands and how to sexually please them.³⁰

General measures of implementation

Policy and overall strategy

10. Mozambique did not adopt a dedicated action plan against SEC. The GoM's National Action Plan for Combating the Worst Forms of Child Labour (2017-2022) features measures against certain SEC manifestations. Indeed, as part of its Objective 3.1, the Ministry of Culture and Tourism must, in cooperation with the Office of the Attorney General and through the participation in radio and television debates, raise awareness among the tourism industry to SECTT and sexual exploitation of children in prostitution. In addition, Objective 3.3 states that the local authorities must sensitise the private sector to the issues of child trafficking and SEC in tourist facilities, restaurants and travel agencies. Furthermore, according to Objective 3.4, the Ministry of Interior must, under the authority of the Ministry of Gender, Children and Social Action, promote actions to reduce exploitation of children in prostitution in pre-identified hotspots, notably through capacity-building actions for local activists or educators.
11. The GoM implemented its first National Action Plan for the Child from 2005 to 2010. It featured a Specific Objective 1.6, which provided for a set of actions to protect children from violence, negligence and sexual exploitation. These measures included awareness raising activities, capacity building of law enforcement agents, the establishment of partnerships and the creation of dedicated mechanisms to monitor tourist activities, traditional practices and any other activity that encourages SEC, including CSAM. The GoM is currently implementing its second National Action Plan for the Child (2013-2019), which also features some measures against SEC, with a particular focus on prevention and victim protection. Indeed, it provides for the inclusion of classes on sexual abuse and human trafficking in the school curriculum, the adoption of implementation mechanisms for the legislation on sexual exploitation and the adoption of a Code of Conduct to prevent child sexual abuse by public servants and persons involved in humanitarian work, activities linked to population relocation and large-scale construction projects. Despite these measures, there is still a need for a dedicated and comprehensive action plan to cover all the manifestations of SEC, and therefore ensure the full implementation of the OPSC.
12. In 2014, the Superior Institute of International Relations issued a report on the situation of human trafficking in Mozambique, with a special focus on child trafficking. This study, which was commissioned by the Office of the Attorney General and funded by Save the Children Mozambique, featured a set of recommendations that included the adoption of a National Action Plan to Prevent and Combat Trafficking in Persons. In December 2017, the Office of the Attorney General held public

consultations on a draft National Action Plan, which were attended by representatives from civil society, the UNODC and the SADC Secretariat.³¹ However, and even though the draft has already been submitted to the Ministry of Justice, its adoption is still pending.³²

13. In December 2015, the GoM adopted a comprehensive National Strategy for the Prevention and Eradication of Early Marriages (2016-2019), which includes a strong communications and awareness-raising component to initiate a change in cultural perceptions regarding marriage. It also contains measures to improve the access to education for girls, to rescue children from early unions or marriages through assistance networks, and to guarantee that child victims of human rights violations can have access to justice. The Strategy also puts a particular emphasis on reproductive and sexual health, and notably on the prevention of sexually transmitted diseases.

Coordination and evaluation

14. In 2009, the GoM created the National Council for the Rights of the Child (CNAC), along with Provincial Councils for the Rights of the Child (CPAC) through Decree n°8/2009. The CNAC was a multisectoral body that brought together, under the coordination of the Minister of Gender, Children and Social Action, several Ministers with responsibilities in key areas (namely Education and Culture, Health, Justice, Youth and Sports), five representatives from local NGOs and five religious leaders. Its main mission were to initiate, promote and monitor the implementation of public policies and programmes related to children. In this quality, the CNAC was the body responsible for coordinating and monitoring the implementation of the National Action Plan for the Child; as well as for monitoring and evaluating the level of implementation of the National Strategy for the Prevention and Eradication of Early Marriages. According to article 3 e) of Decree n°8/2009, the CNAC was competent to promote the adoption of measures and the realisations of actions to prevent and tackle child prostitution, child sexual abuse, child trafficking and any other forms of exploitation; as well as the provision of assistance, reintegration and counselling services for the victims and their families.
15. In 2017, the CNAC was formally substituted by the newly created National Council of Social Action (CNAS), which was set up by Decree n°38/2015 as an intersectoral coordination and protection body for issues related to children, social work and basic social security. It is represented by Provincial Councils of Social Action (CPAS) at the local level. The CNAS is a fusion of three coordination mechanisms with competences in the areas of children, disabled people and the elderly. However, this accumulation of competences could be detrimental to the protection of children, as it can potentially shift the focus of the CNAS away from certain issues related to children's rights, including SEC. Rede da Criança pointed out the need to reflect on the weaknesses that have undermined the functioning of the CNAC to prevent the CNAS from being affected by the same shortcomings. It also reported that the CNAS has met only once since its creation.
16. In 2015, the GoM created a National Reference Group for Child Protection and Combating Trafficking in Persons (GRN) to coordinate anti-trafficking efforts. The GRN is a multisectoral body that brings together representatives from several ministries, immigration and customs services, public television and radio, the International Organisation for Migrations, as well as local and international NGOs such as Save the Children. Under the coordination of the Office of the Attorney General, its main missions are to increase prevention and prosecution efforts, and to strengthen support, assistance and reintegration measures for trafficking victims.³³ The GRN reportedly met two times in 2016 and three times in 2017. In 2017, it revised its terms of reference and approved an annual work plan, which provided for anti-trafficking training for labour inspectors and consular officers.³⁴

Prevention of the sale of children, child prostitution and child pornography (art. 9 (para. 1 and 2) OPSC)

17. The GoM did not establish a child sex offenders registry. Furthermore, nothing indicates that the authorities enforce international travel restrictions on nationals that were convicted of sexual offences against children, nor that they consistently deny entry to foreign child sex offenders. Article 227-3 of the Penal Code states that the persons in charge of the education of a child who commit offences linked to the promotion, instigation or facilitation of the sexual exploitation of that child in prostitution will lose their guardianship rights and be prohibited from teaching or heading an educational establishment for a period of eight years. However, there are no specific legal provisions to prevent convicted child sex offenders from exercising any profession or activity that involve regular contact with children.
18. Article 27 of Law n°6/2008 on Human Trafficking states that the GoM is responsible for promoting, coordinating and conducting actions to prevent human trafficking. In 2017, provincial Reference Groups carried out awareness-raising campaigns to sensitise the general public in urban and rural areas to the issue of human trafficking. The authorities also took steps to build the capacity of provincial Reference Groups, as 26 staff members from the province of Niassa were trained on the international and national legal framework on human trafficking during the same year. In addition, representatives from the GRN took part in television and radio debates in the context of the World Day Against Human Trafficking.³⁵ Despite these efforts, the government failed to demonstrate enough efforts to reduce the demand for commercial sex acts. Indeed, no specific awareness raising campaigns on the OPSC have been conducted, and more efforts are needed to sensitise the general public to and prevent all the manifestations of **SEC**.
19. The GoM, in cooperation with the African Union, UNICEF and UNFPA conducted a National Campaign to Prevent and Tackle Early Marriages from 2014 to 2015. As part of this initiative, it carried out actions to sensitise the communities to the harmful impacts of this practice.³⁶ The comprehensive National Strategy for the Prevention and Eradication of Early Marriages (2016-2019), which is currently being implemented, aims at eradicating CEFM by transforming the cultural patterns that contribute to this phenomenon. To achieve this goal, the GoM committed to raise awareness about CEFM among traditional and religious leaders, men, families, civil society and professors in order to involve them in prevention efforts.
20. Civil society organisations are taking some steps forward to prevent SEC and protect the victims. In 2014, Rede da Criança and the National Association of Municipalities signed a memorandum of understating, as part of which the municipalities committed to carry out actions to protect children. As a result, out of the 53 municipalities of Mozambique, at least five (Namaacha, Mandlakazi, Chimoio, Nacala-Porto and Pemba) are now implementing measures to ensure the protection of and investment on children, notably through: preventing and combating the sale and consumption of drugs and alcohol by children; raising awareness on the rights of the child and on the issue of child trafficking; promoting mechanisms to report cases of sexual abuse, exploitation, violence and trafficking; and ensuring that children can participate in the decision-making process at the municipality level.
21. The Community Committees for the Protection of Children (CCPC) also play an important role in the prevention of SEC by contributing to the creation of a safe environment for children at the family, community and school levels. The CCPCs operate under a ministerial statute and bring together a wide

range of community representatives, including children, women and local leaders. They carry out actions aiming at preventing violence and sexual abuse against children using the local language, and assist victims with the reporting process.

Prohibition of the sale of children, child prostitution and child pornography (arts. 3, 4 (2) and (3) and 5-7 OPSC)

22. Article 63-1 of Law n°7/2008 on the Promotion and Protection of the Rights of the Child explicitly states that the GoM must adopt legal and administrative measures to protect children against all forms of sexual exploitation and abuse. Article 63-2 further specifies that the corresponding legislation must feature sufficiently stringent penalties. Mozambique's criminal law underwent a major change during the reporting period, with the adoption of Law n°35/2014 on the Revision of the Penal Code. The new Penal Code entered into force on 1 July 2015. However, it fails to comprehensively criminalise all the manifestations of **SEC**.
23. There are no specific legal provisions on the exploitation of children in prostitution. Article 227-1 of the Penal Code punishes whoever, either professionally or for profit-seeking purposes, instigates, promotes or facilitates the exercise of prostitution by a third person with prison sentences from one to two years and a fine. This offence does not explicitly carry a heavier penalty if the victim is a child, but can be punished with prison sentences from two to eight years if it is committed by a parent or a legal guardian abusing his/her authority, or if it involves the use of force, serious threats or fraudulent tactics (article 227-2).
24. Mozambican legislation does not directly provide for the criminalisation of child sex offenders in the context of sexual exploitation of children in prostitution, and the legal provisions on the age of sexual consent do not fully protect children against sexual abuse. Indeed, sexual relations with children under 12 are regarded as rape and punished with prison sentence from 20 to 24 years under article 219 of the Penal Code. In addition, article 220 punishes whoever performs sexual acts on a child below the age of 16 with prison sentences from two to eight years. However, this article does not cover vaginal intercourse. As a result, consensual vaginal intercourse with children aged 12 to 16 can only fall under article 221 on indecent exposure, which features significantly lower penalties (from three days to two years in prison);³⁷ while non-consensual vaginal intercourse with children above 12 qualifies as rape under article 218 (from two to eight years in prison).
25. Article 198 of the Penal Code criminalises human trafficking. It punishes, with prison sentences from 16 to 20 years, whoever, under the pretext of employment, training or apprenticeship, recruits, transports, harbours, provides or receives a person for the purpose of prostitution, forced labour, slavery, involuntary servitude or debt-bondage. These provisions are inconsistent with international standards, since their formulation imply that the offence must be committed "*under the pretext of employment, training or apprenticeship*". It should be noted that former article 10 of Law n°6/2008 on Human Trafficking, which was suppressed by Law n°35/2014 on the Revision of the Penal Code, featured a much less restrictive wording. The Glossary of Law n°6/2008 states that the recruitment, transportation, grooming, transfer, harbouring of children for the purposes of exploitation qualifies as human trafficking; while human trafficking offences against children constitute an aggravating circumstance under article 5 of the Law.
26. Article 17 of Law n°6/2008 on Human Trafficking states that whoever knowingly benefits, either financially or in any other way, from or uses the services of a person subjected to involuntary servitude, forced labour or slavery, shall be punished with a prison sentence from 8 to twelve years.

Even though this provision could technically be used to criminalise clients in the context of sexual exploitation of child trafficking victims in prostitution, nothing indicates that it is actually the case. In addition, article 15 punishes whoever promotes human trafficking with prison sentences from two to eight years. The same penalty shall also apply to whoever knowingly rents or allows premises to be used for the purpose of promoting human trafficking (article 14). Finally, article 4 states that, in the event where offences under the Law are committed using the resources, premises, employees or assets of a legal person, the corresponding criminal responsibility will fall upon the president, director, manager, shareholder or any employee who took part in the perpetration of the offence, or who knowingly allowed it to happen.

27. The Glossary of Law n°6/2008 on Human Trafficking defines “*sex tourism*” as programmes organised by individuals or travel and tourism establishments, and consisting of tour packages featuring the offer of sexual services to attract tourists. Despite this definition, there are no legal provisions that specifically define and criminalise **SECTT**. Even though it could technically be combatted through the legal provisions on prostitution, extraterritorial jurisdiction and human trafficking, their shortcomings (see above) would first have to be addressed to fully cover all its aspects. Article 30-1 of the Penal Code provides for the criminal responsibility of legal persons whenever criminal offences are committed by their managers or persons acting on their behalf, without excluding the individual responsibility of the offenders (article 30-3).
28. Article 226 (a) and 226 (b) of the Penal Code punishes, with prison sentences from two to eight years, whoever uses or lures a child into participating in a “*pornographic performance*” or for “*pornographic purposes*”, including pictures, movies, recordings or any other support. In addition, article 226 (c) punishes, with the same penalty, whoever possesses, obtains, distributes, imports, exports, displays or transfers **CSAM**, in any capacity or by any means. Even though these provisions are quite comprehensive, they lack a formal definition of **CSAM** in line with article 2 (c) of the OPSC. However, the Glossary of Law n°6/2008 on Human Trafficking features a definition of “*pornography*” that would be consistent with the OPSC if specifically applied to children. No legal provisions require internet service providers to report suspected **CSAM** to the relevant law enforcement agencies, and there is no legislation on online grooming.
29. Article 30-1 a) of Law n°10/2004 (also known as the “Family Law”) establishes 18 as the legal age of marriage, but children over 16 can marry with the authorisation of their parents or legal guardians according to article 30-2. However, this exception is expected to be amended in the near future, as the National Strategy for the Prevention and Eradication of Early Marriages aims at establishing 18 as the minimum age of marriage. The Penal Code does not specifically criminalise forced marriages.

Extraterritorial jurisdiction and extradition

30. Article 56-6 of the Penal Code provides for extraterritorial jurisdiction for offences committed by Mozambican nationals abroad, provided that the alleged perpetrator has not yet been tried in the country where the offence was committed. However, this provision also features a double criminality requirement, in addition to the fact that the alleged perpetrator must be found in Mozambique. As a result, child sex offenders can escape prosecution if they do not return to Mozambique, or if the legislation of the country where the offence was committed does not adequately criminalise all the manifestations of **SEC**. Furthermore, no legal provisions provide for extraterritorial jurisdiction for offences committed by permanent residents or against Mozambican nationals outside the country.

31. Law n°17/2011 on Extradition lacks a specific reference to the possibility of extraditing individuals for offences covered by the OPSC. According to its article 3-2, an offence can only qualify as extraditable if the requirements of double criminality and minimum gravity (at least one year in prison) are met. In addition, article 4-1 a) of the Law, as well as article 67-4 of the Constitution, state that Mozambican nationals cannot be extradited. Even though article 4-2 of the Law specifies that this does not apply to individuals who obtained the nationality after the offence for which the extradition is requested was committed, this provision seems inconsistent with article 67-4 of the Constitution and could therefore potentially be challenged before the Constitutional Council. The Convention on Extradition between the Member States of the Community of Portuguese Speaking Countries (2005) also makes extradition conditional on the double criminality and minimum gravity requirements (article 2-1); and its article 4 a) states that the parties can refuse to extradite their nationals. Its article 5 also features a specific obligation to try the individuals whose extradition has been denied. ECPAT International and Rede da Criança deplore that neither the Constitution nor Law n°17/2011 contain a similar provision.

Protection of the rights of child victims (art .8 and 9 (3) and (4) OPSC)

Measures adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol

32. The General Command of the Police's Department for the Assistance of Women and Children (DAMC) is the body responsible for responding to cases of domestic violence, human trafficking and sexual abuse involving women or children, and for assisting the victims.³⁸ Police stations throughout the country reportedly have specialists trained by the DAMC to handle these types of complaints.³⁹ In 2009, local civil society organisations, including Rede da Criança, launched, in cooperation with mobile phone operators, a child-friendly hotline (*Linha Fala Criança – 116*) to receive reports of abuse, exploitation or any other form of violation of the rights of the child. Complaints can also be made by email, or through *Linha Fala Criança's* website and Facebook page.⁴⁰ In February 2018, the GoM and the Internet Watch Foundation launched a dedicated website to report suspected CSAM (<https://report.iwf.org.uk/mz>).⁴¹
33. In 2017, the GoM reportedly developed a draft national referral mechanism for victims of trafficking, along with operating procedures for its implementation. However, they have yet to be finalised and adopted. The authorities identified and referred to care 53 trafficking victims in 2017, 18 of which had been subjected to sex trafficking; versus only 11 trafficking victims in 2016, including 10 children.⁴² This data highlights the need to increase identification and protection efforts, as the Office of the Attorney General's spokesperson informed, in July 2018, that there were around 1,000 trafficking victims per year in Mozambique.⁴³ In 2017, the GoM reportedly trained 100 immigration officers in the protection of vulnerable migrants, with a specific focus on trafficking. During the same year, 25 labour inspectors were trained on trafficking victim identification and referral in September; and 24 public servants from the province of Tete were trained on victim identification and data collection in December.⁴⁴
34. The Ministry of Gender, Children and Social Action (MGCAS) operates, in partnership with an international organisation, three dedicated shelters that offer medical, legal and psychological assistance to adult and child victims of human trafficking. However, the authorities reportedly rely on technical and financial support from NGOs and international organisations to provide protection and rehabilitation services for trafficking victims. In addition, the GoM runs facilities in more than 215 police stations, as well as 22 centres to provide temporary shelter, food, limited counselling and post-reintegration monitoring for victims of crime, but these facilities do not offer tailored and

integrated services for SEC victims.⁴⁵

35. Law n°15/2012 establishes special protection measures for witnesses and victims of crime during criminal proceedings. These can be applied whenever the physical or psychological integrity of the victim is at risk (article 5), and include the use of videoconference and recorded statements, as well as the non-disclosure of his/her identity, notably through the use of image and voice distortion techniques (article 13). Law n°15/2012 also created a Central Cabinet for the Protection of Victims in order to implement and oversee these protection measures. In parallel, Law n°6/2008 on Human Trafficking contains specific measures to protect the rights of child trafficking victims. Indeed, its article 20 states that they are entitled to benefit from the general measures on witness protection. In addition, victims of child trafficking cannot be held responsible for offences under Law n°6/2008 that they committed while being trafficked (article 20-3). Article 21 further states that trafficking victims have the right to benefit from shelter, medical and psychological assistance, counselling, free legal aid and access to education or professional training. They also must be informed about their rights and the protection measures they are entitled to (article 22).
36. The Penal Procedure Code also contains provisions to ensure the protection of the rights of child victims during criminal proceedings, but they generally only apply to children below 16. Its article 60 prohibits the media from disclosing, by whatever means, the identity of a victim of sexual crimes before the hearing, but also after if the victim is below 16; while article 58 states that procedural acts related to sexual crimes against children below 16 must not be made public. According to article 516, witnesses below 16 can only be interrogated by the chair of the tribunal or by the elected judges, and thus the Attorney and the representatives of the parties must submit their questions directly to the chair. In addition, article 525 states that the accused must be removed from the courtroom whenever witnesses/declarants below 16 are delivering a statement, provided that there are reasons to believe that his/her presence could be prejudicial to the witness/declarant. Mozambique is currently engaged in the process of adopting a new Penal Procedure Code, and the Assembly is due to debate on the corresponding project law from 18 October to 20 December 2018.⁴⁶ However, a preliminary draft from July 2017 only limits itself to extending the above-mentioned protection measures to victims of human trafficking.⁴⁷

International Cooperation

37. In 2009, the member States of the Southern African Development Community (SADC) adopted a joint Strategic Plan of Action on Combating Trafficking in Persons, especially Women and Children. Under the framework of this plan, the GoM consistently cooperated with its SADC partners through information sharing and by uploading trafficking cases in a regional data tool.⁴⁸ In January 2017, the SADC published a Lessons Learnt Booklet to assess the measures taken by its member States to prevent and tackle human trafficking, and to identify good practices in this area.⁴⁹

Recommendations to the GoM

General measures of implementation

- Draft and submit the initial report on the implementation of the OPSC as early as possible;
- Conduct a nationwide assessment on the scope and characteristics of all **SEC** manifestations to develop evidence-based policies and strategies; and consider establishing a dedicated mechanism to collect disaggregated data on **SEC**;
- Adopt a specific national action plan to end **SEC**, or at least make sure to integrate all manifestations of **SEC** in the future national action plans pertaining to children's right;

- Move forward with the adoption of the national action plan against human trafficking, and make sure that it fully covers the issue of child trafficking for the purpose of sexual exploitation;
- Make sure that the issue of SEC is regarded as an utmost priority by the National Council of Social Action; and allocate enough resources to allow the CNAS to effectively promote, initiate and coordinate actions against all its manifestations.

Prevention

- Allocate enough funding to raise public awareness about all **SEC** manifestations, specifically among vulnerable groups, citizens and visitors;
- Invest in child empowering prevention programmes to address the root causes and multiple vulnerabilities that place children, families and communities at risk;
- Put in place mechanisms to evaluate the effectiveness of awareness-raising and prevention operations;
- Create a child sex offenders registry, and take the appropriate steps to put in place international travel restrictions for and deny entry to registered child sex offenders;
- Adopt specific legal provisions to prevent convicted child sex offenders from exercising any profession or activity that involve regular contact with children;
- Establish government-regulated child protection standards for the tourism industry; and take the appropriate steps to sensitise and involve local companies in the fight against SEC in general and SECTT in particular.

Prohibition

- Adopt specific legal provisions to criminalise **SECTT**;
- Adopt specific legal provisions to define and criminalise online grooming;
- Adopt specific legal provisions to criminalise clients above the minimum age of criminal responsibility in the context of sexual exploitation of children in prostitution;
- Amend article 220 of the Penal Code to criminalise all forms of sexual relations with children below 16; and consider increasing the corresponding penalties and introducing close in age exceptions;
- Amend article 198 of the Penal Code to make sure that all forms of human trafficking are explicitly covered;
- Amend article 227 of the Penal Code to provide for heavier penalties when the victim of offences related to the promotion, facilitation or instigation of prostitution is a child;
- Adopt a formal definition of child pornography in line with article 2 (c) of the OPSC;
- Adopt specific legal provisions to make it mandatory for internet service providers to report suspected **CSAM** to the relevant law enforcement agencies;
- Establish 18 as the legal age of marriage without any possible exception;
- Amend Article 56 of the Penal Code to remove the dual criminality requirement and provide for extraterritorial jurisdiction for offences committed by permanent residents or against Mozambican nationals abroad;
- Adopt specific legal provisions establishing the obligation to try the individuals whose extradition for SEC-related crimes has been denied by the Mozambican government.

Protection

- Establish dedicated and well-trained units in all the law enforcement agencies and prosecution offices to investigate and prosecute **SEC**-related crimes;
- Ensure that enough shelters for children victims of **SEC** are available, properly funded, staffed by well-trained personnel and able to offer integrated services (psychological, legal, medical, etc.);
- Increase victim identification efforts, notably by providing adapted training to public servants, law enforcement officers, immigration agents and health care workers;
- Finalise and adopt the national referral mechanism for victims of trafficking; and develop a similar

instrument for **SEC** victims;

- Make sure that all **SEC** victims benefit from the legal protections laid down in Law n°15/2012;
- Make sure that the future Penal Procedure Code will offer equal protections to all child victims involved in criminal proceedings, regardless of their age; and consider introducing special provisions stating that child victims of sexual offences can only be interrogated by trained psychologists or social workers.

¹ Sustainable Development Goal, Targets 5.2, 8.7 and 16.2

² ECPAT prefers the term ‘*exploitation of children in prostitution*’ instead of ‘*child prostitution*’ in line with the recently widely adopted Terminology Guidelines. ECPAT International (2016), “*Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, Adopted by the Interagency Working Group in Luxembourg, 28 January 2016*”, Bangkok: ECPAT, 29, <http://luxembourgguidelines.org/>.

³ ECPAT prefers the term ‘*child sexual exploitation material*’ or ‘*child sexual abuse material*’ over the often in legal context still used ‘*child pornography*’ in line with the recently widely adopted Terminology Guidelines. ECPAT International (2016), “*Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, adopted by the Interagency Working Group in Luxembourg, 28 January 2016*”, 39.

⁴ ECPAT International (2016), “*Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, Adopted by the Interagency Working Group in Luxembourg, 28 January 2016*”, 54.

⁵ The World Bank (2018), “*Population, total – Mozambique*”.

⁶ UNICEF (2017), “*The State of the World’s Children 2017; Children in a Digital World*”, 175.

⁷ The World Bank, “*GDP (current US\$); All countries and Economies*”.

⁸ UNDP (2018), “*Briefing note for countries on the 2018 Statistical Update – Mozambique*”, 2.

⁹ RTP (2016), “*Moçambique tem 15 milhões em pobreza extrema, 60% da população, Banco Mundial*”.

¹⁰ Reuters (2016), “*Poor Mozambique families take girls’ virginity, force them into sex work*”; The Guardian (2018), “*Mozambique prays for rain as water shortages hit country’s poor*”; allAfrica (2018), “*Mozambique: Floods Displace Thousands in Mozambique*”.

¹¹ US Department of State (2018), “*2018 Trafficking in Persons Report – Country Narrative: Mozambique*”; US; Department of State (2018), “*Mozambique 2017 Human Rights Report*”, 17.

¹² Reuters (2016), *Op. Cit.*

¹³ US Department of State (2018), “*2018 Trafficking in Persons Report – Country Narrative: Mozambique*”.

¹⁴ US Department of State (2017), “*2017 Trafficking in Persons Report – Country Narrative: Mozambique*”; US Department of State (2016), “*2016 Trafficking in Persons Report – Country Narrative: Mozambique*”; US Department of State (2015), “*2015 Trafficking in Persons Report – Country Narrative: Mozambique*”.

¹⁵ US Department of State (2018), “*2018 Trafficking in Persons Report – Country Narrative: Mozambique*”.

¹⁶ *Idem*; US Department of State (2017), *Op. Cit.*; US Department of State (2016), *Op. Cit.*; US Department of State (2015), *Op. Cit.*

¹⁷ Ministério da Cultura e Turismo (2018), “*Indicadores de referência na área do turismo*”, 1.

¹⁸ ECPAT International (2016), “*Global Study on Sexual Exploitation of Children in Travel and Tourism – Regional Report: Sub-Saharan Africa*”, 31.

¹⁹ Televisão Independente de Moçambique (2015), “*Cresce o número de adolescentes e crianças que se prostituem em Vilanculos*”.

²⁰ The Code, “*Members of the Code*”.

²¹ The World Bank, “*Individuals using the Internet (% of population) - Mozambique*”.

²² The World Bank, “*Mobile cellular subscriptions – Mozambique*”.

²³ The World Bank, “*Fixed broadband subscriptions - Mozambique*”.

²⁴ Folha de Maputo (2016), “*Redes sociais usadas para aliciar mulheres para se prostituírem*”.

²⁵ UNFPA, UNICEF & Meninas Não Noivas (2015), “*Casamento Prematuro e Gravidez na Adolescência em Moçambique: Causas e Impacto*”, 23.

²⁶ UNICEF (2017), *Op. Cit.*, 183.

²⁷ Girls Not Brides (2018), “*Child Marriage Around the World: Mozambique*”.

²⁸ Girls Not Brides (2018), “*Child Marriage Around the World*”.

²⁹ Deutsche Welle (2018), “*Casamento infantil continua a ser realidade em Moçambique*”.

³⁰ Girls Not Brides (2018), “*Child Marriage Around the World: Mozambique*”; Último Segundo (2015), “*Campos do sexo em Moçambique e Zâmbia preparam crianças para o casamento*”.

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³³ Sapó 24 (2015), “*Moçambique cria grupo de trabalho para combate ao tráfico de pessoas*”.

³⁴ US Department of State (2018), “*2018 Trafficking in Persons Report – Country Narrative: Mozambique*”; US Department of State (2017), *Op. Cit.*

³⁵ US Department of State (2018), “*2018 Trafficking in Persons Report – Country Narrative: Mozambique*”.

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- ⁴⁰ Linha Fala Criança, "[Sobre nós](#)".
- ⁴¹ Autoridade Nacional de Comunicações (2018), "[Moçambique lança portal contra abuso sexual infantil on-line](#)".
- ⁴² US Department of State (2018), "[2018 Trafficking in Persons Report – Country Narrative: Mozambique](#)"; US Department of State (2017), *Op. Cit.*
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- ⁴⁴ US Department of State (2018), "[2018 Trafficking in Persons Report – Country Narrative: Mozambique](#)".
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