

**UNEDITED VERSION**

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**COMMITTEE ON THE RIGHTS OF THE CHILD****Fifty second session****CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION****Concluding Observations of the Committee on the  
Rights of the Child: MOZAMBIQUE**

1. The Committee considered the second periodic report of Mozambique (CRC/C/MOZ/2) at its 1430 and 1431 meetings held on 16 September 2009, and adopted, at its 1453 meeting, held on 23 September 2009, the following concluding observations.

**A. Introduction**

2. The Committee welcomes the frank and self-critical nature of the second periodic report of the State party as well as the written replies to its list of issues (CRC/C/MOZ/Q/2/Add.1) and appreciates the fruitful dialogue held with the high level and multi-sectoral delegation, which allowed for a better understanding of the situation of children in the State party.

**B. Follow-up measures and progress achieved by the State party**

3. The Committee notes with appreciation the adoption of the following legislation:
  - Promotion and Protection Law on Child Rights No. 7/2008, of 9 July 2008;
  - Jurisdictional Organization for Minors Law No. 8/2008 of 9 July 2008;
  - Law against Human Trafficking No. 6/2008 of 9 July 2008;
  - Family Law No. 12/2004 of 25 August 2004; and
  - Code of Civil Registration by Law No. 12/2004 of 8 December 2004.
4. The Committee also welcomes the accession to or ratification by the State Party of the following:
  - Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 18 October 2004;
  - Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 6 March 2003;

- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime on 20 September 2006;
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa on 9 December 2005 and Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court of Human and Peoples' Rights on 17 July 2004; and
- ILO Convention No. 138 concerning Minimum Age for Admission to Employment and ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour on 16 June 2003.

5. The Committee also welcomes:

- The adoption of the National Plan of Action for Children, 2006-2011;
- The adoption of a National Strategic Plan for the Prevention and Fight against HIV/AIDS;
- The establishment of the National Human Rights Commission in May 2009; and
- The establishment of Youth Health Services throughout the country.

### **C. Factors and Difficulties impeding the implementation of the Convention**

6. The Committee notes that Mozambique continues to be one of the poorest countries in the world despite its progress, and that it is particularly affected by high rates of HIV and AIDS, regional disparities and recurrent natural disasters, especially floods and drought, which create difficulties and challenges to the accelerated implementation of programmes to ensure the realization of the rights of the child.

### **D. Main areas of concern and recommendations**

#### **1. General measures of implementation (arts. 4, 42 and 44, paragraph 6 of the Convention)**

#### **The Committee's previous recommendations**

7. The Committee notes with appreciation efforts by the State party to implement the Committee's concluding observations on the State party's initial report. Nevertheless, the Committee regrets that some of its concerns and recommendations have been insufficiently or only partly addressed.
8. **The Committee refers the State party to its General Comment No. 5 on "General measures of implementation for the Convention on the Rights of the Child" and recommends that it take all necessary measures to address the recommendations from the concluding observations of the initial report that have not yet been implemented or sufficiently implemented, including those related to the allocation of resources, children with disabilities, children living on the street, child labour,**

corporal punishment, child abuse and neglect. The Committee also recommends that the State party provide adequate follow-up to the recommendations contained in the present concluding observations on the second periodic report.

### Legislation

9. The Committee welcomes the significant legal reforms carried out to harmonize the State party's domestic legal framework with the Convention, and the fact that children have been associated in these processes. In particular, the Committee notes with satisfaction the adoption in 2008 of the Child Rights Protection Law which translates the principles of the Convention into national child rights legislation, and of the Juvenile Justice Law. It is however concerned that the implementation procedures and regulatory frameworks for those laws to become operational have not yet been established. While noting that the new Constitution includes several sections on the rights of the child, the Committee is further concerned that the Convention does not prevail over domestic legislation and is not directly applicable.
- 10. The Committee recommends that the State party promptly adopt the necessary implementation procedures and regulatory frameworks to allow the new legislation concerning children to become fully operational. The Committee also urges the State party to ensure that the Convention prevails when there is a conflict with domestic legislation or common practice and that it is directly applicable.**

### Coordination

11. The Committee understands that steps have been taken to make effective Decree No. 8/2009 adopted in March 2009 that establishes the National Council on Child Rights (CNAC), as per the 2006 National Action Plan for Children. However, it remains concerned as to its level of authority, status and effective relationships with the relevant ministries dealing directly with children's issues. The Committee is also concerned that the Ministry of Women and Social Affairs, whose head chairs the CNAC, receives less than 1% of the national budget and has several other tasks under its responsibility.
- 12. The Committee encourages the State party to promptly organize the National Council on Child Rights as a high level and independent, multisectoral body and ensure that it has sufficient human and financial resources to effectively coordinate, monitor and evaluate the realization of children's rights. The Committee also reiterates its previous recommendation (CRC/C/15/Add.172 para. 14 b) to significantly strengthen the Ministry of Women and Social Affairs with additional financial, technical and human resources.**

## National Plan of Action

13. The Committee welcomes the adoption in 2006 of the National Action Plan for Children 2006-2011 (PNAC) and the Action Plan for Orphan and Vulnerable Children (PACOV) and the fact that objectives and targets to be achieved by the PNAC are based on recommendations of the United Nations General Assembly Special Session on Children held in May 2002 and on the outcome document “Call for Accelerated Action on the Implementation of the Plan of Action towards Africa Fit for Children (2008-2012)” adopted in Cairo on 2 November 2007 by the African Union second Pan-African Forum on Children: Midterm Review (see A/62/653).
- 14. The Committee recommends that the State party ensure mainstreaming of the PNAC and PACOV by providing and clearly identifying specific budget lines for them as well as across all relevant sectoral programmes. It further recommends to set up adequate follow-up mechanisms for full implementation and ensure that these plans are equipped with evaluation and monitoring mechanisms to regularly assess progress achieved and identify possible deficiencies for remedial action, across sectors and regions.**

## Independent monitoring

15. The Committee welcomes the adoption in May 2009 of a law establishing a National Human Rights Commission. However, the Committee is concerned at the lack of information on the mandate of the Commission as it relates to children’s rights.
- 16. The Committee draws the attention of the State party to its General Comment No. 2 of 2002 on the role of independent national human rights institutions in the promotion and protection of the rights of the child and urges the State party to ensure that the newly established National Human Rights Commission has the mandate and capacity for monitoring children’s rights under the Convention, in accordance with the Paris principles and that child-sensitive procedures be set up through which children can make complaints on violations of their rights.**

## Allocation of resources

17. While noting that the second Poverty Reduction Strategy Paper 2006- 2009 (PARPA 2) calls for more resources to be allocated to sectors that contribute to children’s well-being and development, the Committee is concerned that the already limited budget allocations to priority social services have been reduced since 2008 affecting further the realization of the rights of the child. The Committee is also concerned about the inequitable allocation of resources among provinces, with the lowest expenditures being allocated to the provinces where child well-being indicators, including child poverty, are among the worst in the country. The Committee is further concerned at the widespread corruption in the State party which mainly result from minimal accountability and a culture of impunity.

**18. The Committee urges the State party, taking into account the Committee's recommendations during its Day of General Discussion in 2007 on "Resources for the Rights of the Child - Responsibility of States", to :**

- a) Utilize a child right's approach in the elaboration of the State budget by implementing a tracking system for the allocation and the use of resources for children throughout the budget, thus providing visibility to the investment on children. The Committee also urges that this tracking system be used for impact assessments on how investments in any sector may serve the best interests of the child, ensuring that the differential impact of such investment on girls and boys is measured;**
- b) Reallocate resources from non-priority sectors to priority sectors and within priority sectors to ensure increased budget allocations to child survival, development, protection and well being;**
- c) Establish clear allocations per province that progressively address the disparities in indicators related to children's rights;**
- d) Ensure transparent and participatory budgeting through public dialogue and participation, especially that of children, and for proper accountability by local authorities;**
- e) Define strategic budgetary lines for disadvantaged or particularly vulnerable children and for those situations that may require affirmative social measures (such as birth registration, training of teachers and health workers) and make sure that those budgetary lines are protected even in situations of economic crisis, natural disasters or other emergencies; and**
- f) Take all the necessary measures to fully enforce the Anti-Corruption Act No.6/2004 of 17 June 2004.**

#### **International development cooperation**

**19. The Committee notes with concern that despite the commendable economic growth sustained over the last decade, the State party continues to be heavily dependant on international cooperation. It also notes that still 53% of the National Budget comes from development cooperation and that this is increasingly going to general budget support based on government policies and priorities.**

**20. The Committee recommends to the State party that when negotiating development cooperation, and particularly any increases of it, it is targeted towards programmes that can deliver quick/high impact in implementing the rights of the child. In particular, priority should be given to:**

- a) Large-scale programmes that deliver clear benefits for children, such as comprehensive distribution of long-lasting, insecticide-treated nets;**
- b) Large-scale outreach health programmes, including structured emphasis and use of national child health weeks that have an impact in increasing**

- vaccination coverage, micro-nutrient supplementation and preventive care at the community level;
- c) **Continued and accelerated expansion of access – and quality of – paediatric treatment, voluntary counselling and testing as part of antenatal care programmes and drugs for the prevention of mother to child transmission of HIV (PMTCT);**
  - d) **Use of funding targeted to HIV/AIDS programmes as an entry point for allocation of resources to the wider health sector system, strengthening expansion of facilities and improvement of quality of care;**
  - e) **Large-scale social protection schemes and cash transfer programmes;**
  - f) **Expanded rural and peri-urban water and sanitation programmes, building on rural water and sanitation initiatives such as the “One million initiative”; and**
  - g) **Campaigns for expansion of school construction – in all districts – using both community based/local labour and out-sourced contractors.**

### **Child rights and the business sector**

- 21. The Committee notes that with increased stability and participation in the international market, Mozambique is becoming attractive for private foreign and domestic investment, which can have positive as well as negative impact on children.
- 22. **The Committee suggests that the State party undertake efforts to ensure that private foreign and domestic investment is mindful and responsive to child and women’s rights and operates in a socially and environmentally responsible way to safeguard children and their communities.**

### **Data collection**

- 23. The Committee notes with interest that a consumption survey was conducted in 2008 and a multiple indicator cluster survey (MICS) in 2009 which will provide a comprehensive overview of the status of key indicators related to the Convention. However, it is concerned at the lack of up-to-date, comprehensive and accurate data and information from the national data collection system in the State party’s report.
- 24. **The Committee encourages the State party to continue strengthening its statistical system with the support of its partners and use data collected and analyzed as a basis for assessing progress achieved in the realization of child rights and to help design policies to implement the Convention. The Committee recommends that the State party ensure that information collected contains up to date data on a wide-range of vulnerable groups including rural children, children with disabilities, children living in poverty, children living in the streets, and working children, especially in disadvantaged areas, disaggregating by gender, region and age.**

## **Dissemination, training and awareness-raising**

25. The Committee notes with appreciation the inclusion of information on children's rights in official school textbooks as well as in teacher and police training. However, it is concerned that public communication and training programmes aiming at adults and professionals are inadequate and not systematic, especially outside urban areas. The Committee is also concerned at the dearth of child friendly and practical information for children on the exercise of their rights. The Committee is further concerned at the inadequate role of the media in disseminating information on child rights.

**26. The Committee recommends that the State party:**

- a) **Ensure that the provisions of the Convention are widely known and understood by adults and children;**
- b) **Expand its awareness-raising campaigns to reach populations outside of urban areas;**
- c) **Reinforce the systematic training of all professional groups working for and with children, including law enforcement officials, teachers, health personnel, social workers and personnel of childcare institutions; and**
- d) **Intensify cooperation with the media to promote and strengthen its responsibility in disseminating information about the Convention.**

## **Cooperation with civil society**

27. The Committee commends the State party's assertion in its report on the indispensable role played by civil society including national and foreign NGOs. However, the Committee is concerned that participation of civil society in public decision making remains weak including during the policy formulation, planning and budgeting phases of the Government programmes.

**28. The Committee urges the State party to systematically involve communities and civil society, including children's organizations, throughout all stages of implementation of the Convention on the Rights of the Child.**

## **2. General principles (arts. 2, 3, 6 and 12 of the Convention)**

### **Non-discrimination**

29. While noting efforts made to provide services for all children to enjoy their rights, the Committee is deeply concerned at the significant and persistent disparities among different regions of the State party resulting in the unequal enjoyment by children of the rights enshrined in the Convention. The disparities are reflected in a range of demographic and social indicators including enrolment in and completion of education, infant mortality rates and access to health care and indicate persistent discrimination against girls, children with disabilities, children living in rural and remote areas and children from economically disadvantaged families. While noting with

satisfaction that since the revision of the Family Law in 2004 children born in and out of wedlock legally enjoy the same rights, the Committee is concerned at cases of children born out of wedlock who are still being deprived of their rights, notably to inheritance.

- 30. The Committee urges the State party to consider measures, including affirmative action policies to give priority to ensuring the equal enjoyment of their rights for girls and boys and to eliminate all forms of discrimination against girls and children belonging to vulnerable and marginalized groups. The Committee also calls upon the State party to take all the necessary measures to ensure that children born out of wedlock effectively enjoy their rights on an equal footing with all children.**

### **Best Interests of the Child**

31. The Committee notes with appreciation that the principle of the best interests of the child is incorporated in the State party's legislation, notably in article 47 of the Constitution. However, the Committee regrets that the principle of the best interests of the child is still not reflected as a primary consideration in most legislative and policy matters affecting children and that it is not adequately taken into account by professionals working with children, including the judiciary.
- 32. The Committee recommends that the State party take all appropriate measures to ensure that the principle of the best interests of the child is adequately integrated in all legal provisions and implemented in practice in judicial and administrative decisions and in programmes, projects, and services which have an impact on children, in accordance with article 3 of the Convention.**

### **Right to life, survival and development**

33. The Committee expresses concern at the very high rate of accidents, especially road accidents, of which children are victims in the State party. The Committee is also concerned at reports of children being killed or injured as a consequence of landmines remaining from former conflicts on the territory of the State party.
- 34. The Committee urges the State party to adopt and implement a multidisciplinary national strategy and plan of action on road safety and continue public campaigns to increase traffic awareness among children, parents, teachers and public in general. The Committee also urges the State party to strengthen its efforts to achieve demining including through mine clearance and mine awareness programmes as well as to ensure physical and psychological rehabilitation of child victims and seek assistance from the United Nations and other competent bodies in this regard.**



## **Respect for the views of the child**

35. The Committee notes that the principle of the respect for the views of the child is incorporated in the State party's legislation, in particular in the Constitution (art. 47), in the Family Law and in cases of adoption and that the participation of children in decision-making processes is receiving increased attention in the State party. The Committee is however concerned that the views of the child are sometimes not solicited or taken into account in various settings concerning children, including in judiciary hearings of cases, in matters of school administration and education, and in public policy debates. The Committee is also concerned that certain traditional societal attitudes continue to limit children, especially girls from freely expressing their views. The Committee, appreciates the creation of a Child Parliament, but is concerned that its methods of work and election process may affect its legitimacy and effectiveness.
- 36. The Committee reiterates its previous recommendations that, in accordance with article 12 of the Convention, the State party incorporate, facilitate and implement, in practice, within the family, schools, and the community as well as in institutions and in administrative and judicial proceedings, the principle of respect for the views of the child. The Committee also recommends that the State party incorporate and establish clear mechanisms and guidelines on how the views expressed by children of the Child Parliament are taken into account by policy making bodies and ensure that children are provided with adequate response in relation to their proposals. The Committee further recommends that all children without discrimination be represented in the Child Parliament and be able to elect their own representatives freely. The Committee further draws the attention of the State Party to its General Comment No. 12 of 2009 on the rights of the child to be heard.**

### **3. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37(a) of the Convention)**

#### **Birth registration**

37. The Committee welcomes the efforts undertaken by the State party to increase birth registration, in particular the adoption of the Civil Registration Law No. 12/2004, of 8 December 2004, extending the free birth registration period from 30 to 120 days and introducing decentralization of registration services as well as the development of the Plan of Action on Birth Registration in 2004. Nevertheless, the Committee remains concerned that the fees imposed after the 120 days period may constitute an obstacle to the registration of children which still remains low. The Committee is also concerned that registration authorities remain far from the communities and that families still do not fully understand the benefits of birth registration.

- 38. The Committee urges the State party to accelerate the free birth registration system which should be sustainable and available throughout the State party, including in the most remote areas. The Committee further urges the State party to provide decentralized registration offices and units with the necessary human, material and financial resources and strengthen its awareness-raising activities in all communities on the importance of birth registration for all boys and girls. The Committee recommends, in the interim, that the State party ensure that unregistered children are not deprived of their rights, notably to health and education.**

#### **Freedom of association and peaceful assembly**

39. While welcoming the existence of a significant number of children's organizations, the Committee is concerned that the implementation of the right to freedom of association (art. 15) is limited by the condition that the child has the capacity of exercising the rights to register an association.
- 40. The Committee recommends that the State party guarantee the full implementation of the right to freedom of association, as recognized by art. 15 of the Convention and encourage children to form associations on their own initiatives.**

#### **Protection of privacy**

41. The Committee is concerned about reports that the media have, on various occasions, disclosed information that might lead to the identification of children victims of crimes, indicating that the National Council of Social Communication (NCSC) is not adequately fulfilling its mandate to protect children.
- 42. The Committee recommends that the State party take necessary measures to strengthen implementation of existing legislation, as well as awareness-raising and educational campaigns, in cooperation with the media, to respect the privacy of children in the media, particularly in TV. It also recommends that the NCSC effectively safeguard children's rights to privacy and protect their best interests in the media.**

#### **Access to appropriate information**

43. The Committee notes with satisfaction that the Child-to-Child Network has successfully strengthened the voice of children. However, the Committee expresses concern at the low access of children to information throughout the State party, particularly children living in poverty and in the rural areas. The Committee is also concerned that while the Child Rights Protection Law establishes the duty of the State to regulate films and TV programmes, no systematic media-monitoring mechanisms exist to protect children from being exposed to harmful information, such as violence and pornography, transmitted through the media and through the Internet.

- 44. The Committee recommends that the State party strengthen its efforts to fully guarantee equitable access to appropriate information for all children, especially for children who live in remote and rural areas, and in conformity with their age and maturity. The Committee also recommends that the State party consider adopting specific legislation and develop appropriate guidelines to protect children from information and material injurious to their well-being, in accordance with article 17 (e) of the Convention.**

#### **Torture or other cruel, inhuman or degrading treatment or punishment**

45. The Committee expresses serious concern at reports of police officers illegally detaining children and subjecting them to torture and mistreatment, particularly in the market of Zimpeto in the capital where those practices are reportedly common as well as in some car parks in the urban areas.
- 46. The Committee urges the State party to investigate all allegations of torture and other cruel, inhuman or degrading treatment or punishment of children, take immediate measures to stop police violence against children and address the prevailing culture of impunity for such acts. The Committee also urges the State party to include in its legislation the United Nations Principles on the Use of Force and Firearms by Law Enforcement Officials of 1990, train police forces on these principles and impose sanction when those principles are not respected. The Committee further also calls upon the State party to provide care, recovery, reintegration and compensation for children victims of torture and other cruel, inhuman or degrading treatment or punishment.**

#### **Corporal punishment**

47. The Committee is concerned that corporal punishment remains lawful in the home and schools and is often considered as the only way to discipline children. The Committee is also concerned that the Child Rights Protection Law does not explicitly prohibit corporal punishment at home and in schools. The Committee is further concerned that in spite of internal regulations of the Ministry of Education prohibiting corporal punishment, it continues to be inflicted on children by teachers and parents throughout the State party.
- 48. Recalling its previous recommendation (CRC/C/15/Add.172 para. 39 b), the Committee draws the attention of the State party to its General Comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment according to which eliminating violent and humiliating punishment of children is an immediate and unqualified obligation of the State parties. The Committee therefore urges the State party to:**
- a) **Explicitly prohibit by law corporal punishment in the family, schools and institutions and ensure that those laws are effectively implemented and that legal proceedings are systematically initiated against those responsible for mistreating children;**

- b) **Conduct a comprehensive study to assess the causes, nature and extent of corporal punishment throughout the State party; and**
- c) **Introduce public education, awareness-raising and social mobilization campaigns on the harmful effects of corporal punishment with a view to changing the general attitude towards this practice and promote positive, non-violent, participatory values and forms of child-rearing and education.**

#### **Follow-up to the United Nations Study on Violence against Children**

49. The Committee is concerned that while, as noted above, violence against children is practiced in various forms, the capacity of the Government to respond to violence against children is limited.

**50. The Committee encourages the State party to prioritize elimination of all forms of violence against children. With reference to the United Nations Study on Violence against Children (A/61/299), the Committee recommends that the State party:**

- a) **Take all necessary measures to implement recommendations of the United Nations Study on Violence against Children, taking into account the outcome and recommendations of the Regional Consultations for Eastern and Southern Africa (held in Johannesburg from 18 to 20 July 2005). In particular, the Committee recommends that the State party pay particular attention to the following recommendations:**
  - (i) **Prohibit all forms of violence against children;**
  - (ii) **Strengthen national and local commitment and action;**
  - (iii) **Promote non-violent values and awareness-raising;**
  - (iv) **Enhance the capacity of all who work with and for children;**
  - (v) **Ensure accountability and end impunity.**
- b) **Use the recommendations of the Study as a tool for action in partnership with civil society and, in particular, with the involvement of children, to ensure that all boys and girls are protected from all forms of physical, sexual and psychological violence and to gain momentum for concrete and time bound actions to prevent and respond to such violence and abuse;**
- c) **Target adolescent girls with prevention, education and awareness-raising on healthy behaviour, and measures to promote a violence free environment against women and girls in the family and communities; and**
- d) **Seek technical cooperation in this respect from the Special Representative of the Secretary General on Violence against Children as well as from OHCHR, UNICEF and WHO, and other relevant agencies and NGO partners.**

**4. Family environment and alternative care**  
**(arts. 5, 18 (paras.1-2), 9-11, 19-21, 25, 27 (para.4) and 39 of the Convention)**

**Family environment**

51. The Committee notes with satisfaction the existence of the Direct Social Support Programme (PASD) through which material support is provided to thousands of disadvantaged families as well as the Food Subsidy Programme (PSA) to support the needs of the poorest families. The Committee is however concerned that these programmes will have limited impact if the social safety net services and assistance facilities for families continue to be severely affected by the limited resources allocated to the Social Welfare Services of the Ministry of Women and Social Affairs responsible for social protection. The Committee also regrets that the National Social Welfare Policy still awaits the approval of its regulations to become operational. The Committee is particularly concerned at the precarious situation of female-headed households which represent one third of all households in the State party and in which more than half of orphan and vulnerable children live and at the growing number of child-headed households.
- 52. The Committee recommends, as stated earlier, that the State party substantially increase the budget allocated to the Ministry of Women and Social Affairs to ensure that it can provide effective protection and social services for the most vulnerable families. The Committee urges the State party to adopt the necessary implementation regulations for the National Social Welfare Policy to become fully operational and establish offices at local level to provide information, advice and protection to children and their families. The Committee further urges the State party to ensure that social safety net schemes give priority to female and child-headed households.**

**Children deprived of a family environment**

53. While noting the adoption of a multi-sectoral Plan for Orphans and Vulnerable Children, the Committee expresses concern that orphaned children continue to be particularly vulnerable and face heightened risks, such as sexual exploitation and abuse, hazardous child labour, early marriage, dispossession of property, poor access to basic services, poor school attendance and performance and poor emotional and mental health in addition to increased responsibilities as heads of households. The Committee is also concerned that the introduction of the concept of foster family into the new Family Law has not yet been followed by the adoption of implementation procedures and regulations.
- 54. The Committee recommends that the State party:**
- a) **Give priority to protecting natural family environment and ensure removal from family and placement in foster care or institutions is used only as a measure of last resort when in the best interests of child;**

- b) Make the Plan for Orphans and Vulnerable Children operational with sufficient human and financial resources;**
- c) Transform state child institutions into family-based support centres close to their communities;**
- d) Create a system of alternative care services with regulations, minimum standards and appropriate controls;**
- e) Adopt as a matter of urgency the implementation procedures and regulations of the new Family Law covering, inter alia, foster care;**
- f) Implement mechanisms to expand and stimulate the integration of children into family care;**
- g) Ensure the right of the child to be heard at all steps of the alternative care procedure;**
- h) Ensure the rights of the child to know about his or her origin and own story; and**
- i) Take into consideration the recommendations adopted at the Committee's Day of General Discussion on children without parental care held on 16 September 2005.**

### **Adoption**

55. The Committee expresses concern that :

- a) Adequate information about domestic and inter-country adoption has not been provided in the State party's report;
- b) The current legislation makes no distinction between inter-country and domestic adoption therefore not applying the principle of subsidiarity;
- c) There is no preparation by professionals of prospective adoptive parents and children for the adoption;
- d) Qualified officials do not select the children for adoption and allow prospective adoptive parents to make the choice;
- e) The State party has still not ratified the Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Inter-Country Adoption, 1993.

56. The Committee requests the State party to:

- a) Provide comprehensive information about adoption in its next periodic report;**
- b) Establish and implement strict and specific regulations for domestic and inter-country adoptions, harmonize adoption procedures with the Convention and ensure strict supervision of the adoption process by the Social Welfare Services;**
- c) Ensure that children and prospective adoptive parents are adequately prepared by qualified professionals;**
- d) Ensure that qualified officials are responsible for choosing the adoptive family which best responds to the needs of children;**
- e) Strengthen the Social Welfare Services with adequate human and financial resources to carry out their responsibilities in ensuring implementation and monitoring of the adoption procedures as required by the new Family Law; and**

- f) **Consider ratifying the 1993 Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Inter-Country Adoption which will help the State party to ensure the best interests of the child.**

### **Abuse and neglect**

57. The Committee notes with appreciation the establishment throughout the State party of gender sensitive special units within the police stations to provide support to victims of domestic violence, especially women and children. However, the Committee is concerned that while domestic violence is a widespread and growing problem:

- a) Perpetrators of violence and abuse are rarely brought to justice;
- b) Investigation of abuse and neglect of children remains inadequate;
- c) Temporary shelters do not exist for women and children victims of domestic violence and social and psychological assistance to victims is inadequate; and
- d) Societal attitudes continue to prevent victims from reporting cases of abuse.

**58. The Committee recommends that the State party:**

- a) **Ensure that perpetrators of child abuse and neglect are prosecuted in a manner that is child sensitive and respectful of the privacy of the victims;**
- b) **Strengthen its child protection system with effective mechanisms to receive, monitor through collection of data and investigate reports of cases of child abuse, in a gender sensitive manner;**
- c) **Open temporary shelters for children victims of abuse and neglect and provide the child victims with the necessary psychological and other support for their full recovery and social reintegration;**
- d) **Carry out preventive public education and awareness raising programmes about the consequences of the abuse and neglect of children and improve the participation of the whole society (including children) in the definition and the implementation of preventive strategies against abuse and neglect; and**
- e) **Expand a 3-4 digit, toll-free, 24-hour national helpline for children with an outreach component for the most marginalized children and allocate funds to provide services in the remote areas, seeking assistance of UNICEF and other relevant organizations.**

### **5. Basic health and welfare**

**(arts. 6, 18 (para.3), 23, 24, 26, 27 (paras.1-3) of the Convention)**

### **Children with disabilities**

59. While noting that some measures have been taken by the State party to prevent and treat mental disabilities among children and train teachers for specialized education, the Committee is concerned that in spite of its

previous recommendations (CRC/C/15/Add.172 paras. 48 and 49), insufficient measures have been adopted to ensure that children with disabilities fully enjoy their rights, in particular their right to health and education. The Committee is especially concerned at the limited number of school facilities and materials adapted to these children and at the highly inadequate number of specialized teachers resulting in a high percentage of children with disabilities deprived of education or abandoning school during the first years of primary education.

**60. The Committee recommends that the State party:**

- a) **Consider ratifying the Convention on the Rights of Persons with Disabilities;**
- b) **Take all necessary measures to ensure the implementation of legislation providing protection and equal access to education for children with disabilities, in a gender sensitive manner;**
- c) **Make every effort to provide appropriate inclusive programmes and services for all children with disabilities and ensure that such services receive adequate human and financial resources;**
- d) **Undertake awareness programmes to sensitize the public about the rights and special needs of children with disabilities and encourage their inclusion in society;**
- e) **Provide training for professional staff working with children with disabilities, such as teachers, social workers, medical, paramedical and related personnel;**
- f) **Ensure participation of children with disabilities and their families in policy and programme planning, monitoring and evaluation; and**
- g) **Take into consideration the Committee's General Comment No. 9 on the rights of children with disabilities (CRC/C/GC/9, 2006).**

**Health and access to health services**

61. The Committee commends the State party for the significant improvements in relation to infant and maternal mortality, vaccination coverage and prevention of Parent-to-Child Transmission (PTCT) of HIV. However, it is concerned that:

- a) The State party has one of the highest infant mortality rates;
- b) The leading causes of child mortality are preventable and treatable diseases such as malaria, respiratory illnesses, diarrhea and vaccine-preventable diseases;
- c) The poor nutritional status of children and HIV/AIDS remain the main underlying causes of child mortality;
- d) Health services remain inadequate in terms of coverage and quality; and
- e) Only 30% of children under six months of age are exclusively breastfed.

**62. The Committee recommends that the State party continue to prioritize the allocation of financial and human resources to the health sector, in order to ensure equal access to quality health services by all children including children living in the most disadvantaged provinces and**



remote areas of the country. Furthermore, the Committee recommends that the State party strengthen its efforts to improve the health situation of children, and in particular:

- a) Continue to ensure the provision of necessary medical assistance and health-care access to all children with emphasis on the development of primary health care;
- b) Ensure that all segments of the society are informed, have access to health education and support on the use of basic knowledge of child health and nutrition, including the advantages of exclusive breastfeeding for children up to 6 months;
- c) Strengthen its efforts to further reduce infant and child mortality, especially by focusing on preventive measures and treatment, including vaccination uptakes, improved nutrition and sanitary conditions, greater access to safe drinking water, and the management of communicable diseases and malaria;
- d) Pursue immunization efforts, including through improved outreach activities and immunization of “drop-out” children, and efficient implementation of the full package of integrated interventions in all health districts;
- e) Increase its efforts to further reduce maternal mortality throughout the country and develop culturally sensitive health care services for pregnant women;
- f) Accelerate efforts to implement the national breastfeeding policy and the implementation of the Code of Marketing of breast-milk substitutes, including revitalizing the Breastfeeding Friendly Hospitals Initiative and take steps to ratify the ILO Convention No.183 on maternity protection at the workplace; and
- g) Seek technical cooperation from UNICEF and WHO.

#### **Adolescent health**

63. While the Committee commends the establishment of Youth Friendly Health Services, it remains concerned at the high rate of teenage pregnancies which derive, among others, from the lack of information and prevention measures and results in illegal abortion and maternal mortality. The Committee shares the views expressed by the Committee on the Elimination of Discrimination Against Women (CEDAW/C/MOZ/CO/2 para 36) on the importance of including adequate sex education in school curricula.
64. The Committee urges the State party to take all the necessary measures to reduce teenage pregnancies and to this end, improve knowledge and availability of family planning services, further develop education programmes on adolescent reproductive health and raise awareness about and access to safe contraception methods. The Committee also urges the State party to review its legislation concerning abortion, with the view notably to guaranteeing the best interests of pregnant teenagers.

## Harmful Traditional Practices

65. While noting with satisfaction that the new Family Law sets the marriage age at 18 years for boys and girls, the Committee is concerned that the State party continues to have very high rates of early marriage. The Committee is also concerned at the persistence of initiation rites which lead to early and harmful sexual behaviours. It is further concerned at the continued practice consisting in sending children to work in order for families to settle financial debt and other obligations.
- 66. The Committee calls upon the State party to develop sensitization programmes involving families, community leaders and society at large, including children themselves, to curb the practices of early marriage and sexual initiation rites, particularly in rural areas. The Committee also reiterates its previous recommendation (CRC/C/15/Add.172 para 41 c) and urges that the State party takes measures to end the practice of sending children to work to settle debts and other obligations. In all cases, the State party should ensure that adequate sanctions are imposed and organize awareness-raising programmes in accordance with the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography.**

## HIV/AIDS

67. The Committee welcomes the adoption of a National Strategic Plan for the Prevention and Fight against AIDS and the establishment of a National AIDS Council chaired by the Prime Minister to ensure a multi-sectoral approach in the fight against HIV/AIDS. It also takes note of the preparation of a Bill on Defending Human Rights and the Fight against Stigmatization and Discrimination of People living with HIV and AIDS. Nonetheless, the Committee is concerned at the reported reduced budgetary allocations in the areas of HIV and AIDS since 2008. The Committee is deeply concerned that a growing proportion of all child deaths are a result of HIV-related illnesses and that the prevalence rate among women, particularly in the age group 15-24 years, is 2.6% higher compared to men. While the number of children receiving antiretroviral treatment (ART) increased significantly over the past five years, the Committee is concerned that only 18 % of eligible children receive proper treatment, that services for orphans and vulnerable children, including children heads of households, remain inadequate and that there is persistent stigmatization of children living with HIV.
- 68. Given that the State party is preparing its Third National Strategic Plan (PEN III) and referring to its General Comment N° 3 on HIV/AIDS and the Rights of the Child, the Committee urges the State party to :**
- a) Ensure national scaling up of proven interventions to reduce new infections of children through quality Prevention of Mother To Child Transmission (PMTCT) services, as well as integrated prevention, care and treatment support, in both facilities and communities, for children infected and affected by HIV and AIDS;**

- b) **Ensure that the HIV response is guided by the most recent evidence on the key drivers of the epidemic, including multiple concurrent partnerships and male circumcision;**
- c) **Further promote culturally sensitive education and training programmes explicitly designed to change attitudes of discrimination and stigmatization associated with HIV/AIDS;**
- d) **Provide information which recognizes the differences in levels of understanding among children for them to deal positively and responsibly with their sexuality and therefore protect themselves from HIV infection. Special attention should be paid to girls' specific needs;**
- e) **Expand programme interventions for orphans and vulnerable children, particularly children heads of household, in line with the national strategy;**
- f) **Promote inter-institutional coordination on all issues related to HIV/AIDS; and**
- g) **Ensure participation of children, civil society and people living with HIV in all stages of planning, implementation and monitoring of all actions related to HIV/AIDS.**

#### **Right to an adequate standard of living**

69. The Committee commends the important strides made by the State party in achieving high economic growth, macroeconomic stability and debt sustainability. The Committee also welcomes the "Plan of Action for the Reduction of Absolute Poverty" (PARPA 2) which contains ambitious, time bound and quantifiable targets related to the realization of children's rights and the support provided to children through the multi-sectoral Plan for Orphans and Vulnerable Children, the Food Subsidy Programme and the Direct Social Support Programme (PASD). However, the Committee remains concerned about the extreme poverty of a large proportion of the State party's families and children and at the still limited proportion of children who benefit from the special programmes.

70. **The Committee urges that the State party develop programmes of major improvements to the social security system, housing schemes in rural and peri-urban areas, home sanitation facilities and access to clean drinking water and recommends the formulation and implementation of large-scale social protection schemes and conditional cash transfer programmes targeted to the most vulnerable families.**

#### **6. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)**

##### **Education, including vocational training and guidance**

71. The Committee commends the significant efforts deployed by the State party to increase enrolment rates in primary and secondary education and to build new school infrastructure. The Committee also notes with satisfaction the

adoption of a Strategic Plan for Education and Culture as well as the progress made to expand pre-school education and adult literacy programmes. Nevertheless, the Committee is concerned that:

- a) Primary education is not compulsory and free;
- b) One in five children remain deprived of education and nearly half of primary school aged children drop out of school before they complete grade five;
- c) Significant disparities in accessing education persist between provinces, particularly affecting the provinces of Niassa, Nampula and Zambezia;
- d) School enrollment at secondary level remains at an extremely low level;
- e) The rapid increase in enrolment has not been matched by increases in investment in the quality of education and the teacher-student ratio has not decreased to an acceptable level;
- f) Many untrained or inadequately trained teachers are recruited since the training institutions do not have the capacity to train enough teachers; and
- g) Gender disparity remains high in the higher levels of education.

**72. The Committee recommends that the State party:**

- a) **Strengthen its efforts to ensure compulsory and free primary schooling for all children;**
- b) **Reduce disparities among provinces in access to and full enjoyment of the right to education;**
- c) **Ensure adequate funding of the public education system;**
- d) **Take all the necessary measures to increase school enrolment, notably by constructing and setting up new schools and expanding the infrastructure for education;**
- e) **Improve the quality of education and take all measures to ensure that children complete their schooling by taking concrete action to address the reasons behind non-completion of schooling;**
- f) **Continue to expand the teacher training capacities and ensure that all teachers undergo continuous and intensive in-service training and periodic evaluation;**
- g) **Recruit teachers among academically trained graduates from other disciplines and give them intensive training and make teaching attractive by creating incentives, including adequate salaries;**
- h) **Expand the system of vocational training institutions and make sure that children who have dropped out of school also have access to it;**
- i) **Include human rights and child rights in the curricula of schools at all levels;**
- j) **Encourage the participation of children at all levels of the educational system;**
- k) **Increase access to early childhood development and education, including community-based and parents programmes, in all regions of the State party; and**
- l) **Take into consideration General Comment No. 1 on the aims of education of 2001 and General Comment No.7 on Implementing child rights in early childhood of 2005.**

## **Sexual abuse in schools**

73. The Committee expresses serious concern at the high prevalence of sexual abuse and harassment in schools which lead some girls reportedly to refuse to go to school.
- 74. Drawing attention to the Committee's recommendations of the Day of General Discussion on Violence against Children, within the Family and in Schools held in 2001, the Committee urges the State party to :**
- a) **Design strategies to prevent the occurrence of sexual violence in schools by organizing nationwide communications programmes on the impact of sexual violence in school and strengthen the recruitment of female teachers who provide valuable role models to young girls and lessen the probability of abuse by teachers;**
  - b) **Encourage school and health services to detect and report evidence of abuse, ensure full and unannounced inspection of school facilities and wide publicity of the investigations conducted and establish clear reporting systems of cases of violence in schools;**
  - c) **Take all the necessary measures to prevent, prosecute and sanction teachers who commit sexual violence; and**
  - d) **When reformulating the Code of Conduct for teachers and school personnel promoted by the National Teachers Union (ONP), take into consideration the recommendation made by the Committee on the Elimination of Discrimination against Women (CEDAW/C/MOZ/CO/2 para. 21) "to create a conducive environment towards a positive cultural change", and ensure that teachers adhere to the Code of Conduct and that the Code is incorporated into the regular teacher training programmes which should contain a special emphasis on teachers' responsibilities to protect children.**

### **7. Special protection measures**

**(arts. 22, 38, 39, 40, 37(b) and (d), 30, 32-36 of the Convention)**

## **Unaccompanied, Refugee Children**

75. The Committee notes with satisfaction the creation of a National Refugee Support Institute (INAR) through Decree No. 51/2003 of 24 December 2003 with the aim, notably, to ensure the enjoyment by refugee children of their rights to education, health care, social security and protection as well as the establishment within the Marratane refugee centre of a primary school and a health centre. The Committee is however concerned at the high level of ethnic tension and violence among children in the camp and in the school where corporal punishment is inflicted by teachers on children. The Committee also expresses concern at the prevalence of sexual violence against girls in the camp, the vulnerable situation of unaccompanied children and the economic exploitation of refugee children placed in foster families.
- 76. The Committee recommends that the State party, in cooperation with UNHCR, take all measures to guarantee protection of refugee children**

**in line with international human rights and refugee law, while taking into account the Committee's General Comment No. 6 of 2005 on the treatment of unaccompanied and separated children outside their country of origin. In particular, the Committee recommends that the State party:**

- a) **Conduct reconciliation, tolerance and peace-building activities in the camp including establishing children groups that meet regularly to discuss discrimination and confidence building;**
- b) **Organize school observation visits and teacher training on discrimination;**
- c) **Take the necessary measures to prevent sexual violence, including ensuring separate lockable latrines for girls at schools and security for the children's trips to fetch firewood around the camp;**
- d) **Initiate peer support groups for children with special protection concerns such as unaccompanied or separated children; and**
- e) **Establish a regular system of visits to refugee children placed in foster families.**

#### **Children in armed conflict**

77. While welcoming the accession of the State party to the Optional Protocol to the Convention on the involvement of children in armed conflict and to the African Charter on the Rights and Welfare of the Child, the Committee is concerned that the minimum age for voluntary or compulsory recruitment at 18 years may be altered in time of war. The Committee is also concerned at indications that former girl soldiers as well as girls and young women who were exploited as slave labour or abducted into sexual slavery in armed forces have often been excluded from programmes for reintegration of former soldiers. The Committee is further concerned at the lack of information in the State party's report on the measures taken with regard to the large number of children who were affected by the armed conflicts and on the consequences of the armed conflicts for children in cultural, social and psychological terms.

78. **The Committee urges the State party to expressly prohibit compulsory military recruitment and mobilization under 18 years even in time of war. The Committee also calls upon the State party to recognize the involvement of young girls in the fighting forces and provide them with adequate gender-specific rehabilitation and reintegration services and compensation. The Committee also reiterates its previous recommendation (CRC/C/15/Add.172 para. 63 a) to continue to give attention to the needs of children affected by war, taking into account the United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law of 2005.**

## **Economic exploitation, including child labour**

79. The Committee notes with appreciation that the State party recently joined the ILO International Programme on the Elimination of Child Labour (IPEC) and envisages the formulation of a National Action Programme. However, the Committee expresses concern at the State party's intention to allow children aged 12 to 15 to work under special conditions and at the limited initiatives taken during the period under review to combat child labour which remains a common practice in family farms, including herding of livestock, and in commercial cotton, tobacco and tea plantations. The Committee is also concerned that no reliable data on child labour is available in the State party. Furthermore, the Committee expresses serious concern at the situation of orphaned children being economically exploited by foster families.

80. The Committee also notes that while children from 15 to 18 years are allowed to perform "non hazardous work", the list of occupations considered as light work has yet to be established and that there are still no specific regulations governing children who are not covered by an employment relationship and determining the types of hazardous work prohibited to children under the age of 18 years. Finally, the Committee is concerned that the labour inspectorate and police face shortages of qualified staff, adequate funds and training to carry out their mandates.

**81. The Committee urges the State party to :**

- a) Put its legislation in conformity with ILO Conventions 138 and 182 by adopting regulations which notably determine the age of compulsory schooling, cover all children including those working in the informal sector, permit employment in light work only by children who have reached 13 years of age and determine the type of activities considered as light work as well as hazardous work prohibited for persons under 18 years old as requested by the ILO/CEACR.**
- b) Promptly adopt a comprehensive programme to prevent and combat the exploitation of child labour and expedite the establishment of the national commission on child labour to ensure effective implementation of the programme;**
- c) Collect reliable disaggregated data on working children, including those who work in the informal sector, inter alia as domestic servants;**
- d) Effectively monitor the living conditions of orphaned children placed in foster families and address cases of economic exploitation of those children, notably by bringing those responsible to justice;**
- e) Strengthen the labour inspectorate to ensure effective implementation of child labour laws, both in formal and informal sectors; and**
- f) Continue seeking assistance from ILO and UNICEF.**

## Street children

82. The Committee is concerned at the lack of information in the State party's report on the situation of children living in the streets and that in spite of its previous recommendation (CRC/C/15/Add.172 paras 68 and 69) insufficient measures have been taken to address the situation.

**83. The Committee therefore recommends that the State party:**

**(a) Undertake a systematic assessment of the situation of children living in the streets in order to obtain an accurate picture of the root causes and magnitude;**

**(b) Develop and implement, with the active involvement of the children themselves, a comprehensive policy which should address the root causes, in order to prevent and reduce this occurrence;**

**(c) In coordination with NGOs, provide children living in the streets with the necessary protection, including a family environment, adequate health-care services, attendance in school and other social services; and**

**(d) Support family reunification programmes, when it is in the best interests of the child.**

## Sexual exploitation and abuse

84. The Committee is deeply concerned that child prostitution is increasing in the State party, especially in the Maputo, Beira and Nacala regions as well as in some rural areas. The Committee is also concerned at the information in the State party's report that the existing law does not cover certain sexual offences against children, including forced sexual relations and sexual exploitation.

**85. The Committee recommends that the State party:**

**a) Adopt urgent time-bound measures for the removal of children from prostitution and provide them with rehabilitation and social reintegration, in a gender sensitive manner;**

**b) Develop and strengthen appropriate legislative measures to address the issues of sexual abuse and sexual exploitation;**

**c) Take all appropriate measures to ensure that those who perpetrate sexual offences against children are effectively punished and that children are supported in denouncing and reporting sexual abuse; and**

**d) Continue to implement appropriate policies and programmes for prevention, recovery and social reintegration of child victims, in accordance with the outcomes of the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> World Congresses against Commercial Sexual Exploitation of Children of 1996, 2001 and 2008 as well as the outcome of other international conferences on this issue.**



## Sale, trafficking and abduction

86. The Committee notes with appreciation the ratification of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography, the adoption of the Law No. 6/2008 against Human Trafficking, the relevant training provided to the police, the cooperation agreement signed in 2004 with South Africa as well as the Strategic Plan of Action on Combating Trafficking in Persons, especially Women and Children in the SADC Region adopted by the Inter Ministerial Conference of the Southern African Development Community (SADC) in May 2009. However, the Committee is concerned at:

- a) The continuous trafficking of children from rural to urban areas for forced labour and at the fate of abducted or disappeared children;
- b) Women and girls being trafficked to and from the State party for sexual exploitation and domestic servitude;
- c) Investigations of cases of human trafficking or abductions being rarely followed by prosecutions and conviction;
- d) Efforts to prevent trafficking and abduction and to protect victims of trafficking having limited resources; and
- e) The absence of safe houses for victims of trafficking and of a formal referral system.

**87. The Committee recommends that the State party:**

- a) **Adopt a Plan of Action against Sexual Abuse and Trafficking taking into account the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography;**
- b) **Ensure effective investigations of cases of sale, trafficking and abduction of children and prosecutions and sanction of perpetrators and involved corrupted officials;**
- c) **Take all the necessary measures to ensure the referral, assistance and protection of victims of trafficking, sale and abduction in all parts of the country, applying a multi-sectoral approach to the provision of social services, including the provision of temporary safe housing and gender sensitive physical and psychological recovery to the victims;**
- d) **Establish a decentralized prevention and response mechanism including comprehensive data collection;**
- e) **Undertake awareness-raising and educational measures to prevent and eliminate trafficking in women and children, in particular by supporting the current efforts undertaken by NGOs; and**
- f) **Consider ratifying the Hague Convention No. 28 on the Civil Aspects of International Child Abduction, 1980.**

## Administration of juvenile justice

88. The Committee welcomes the adoption of the Juvenile Justice Law and the fact that the minimum age of criminal responsibility has been set at 16 years. The Committee is however concerned that deprivation of liberty is not used as a measure of last resort and that pre-trial detention is frequent. The

Committee further welcomes the decision to establish specialized juvenile courts, but it is concerned that only one court is in function in Maputo and that in all other provinces, children are tried by adult courts. The Committee notes the existence of rehabilitation centres, but it is concerned that children are often deprived of liberty in adult detention facilities.

**89. The Committee recommends that the State party continue its efforts to improve the juvenile justice system in conformity with articles 37 (b), 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules). While taking into account the Committee's General Comment No. 10 on the administration of juvenile justice (CRC/C/GC/10, 2007), the Committee also urges the State party to,:**

- a) **Develop a multi-sectoral preventive response to child delinquency, such as supporting the role of families and communities in order to help eliminate the social conditions leading children to come into contact with the criminal justice system, and take all possible measures to avoid stigmatization;**
- b) **Undertake efforts to ensure that children in conflict with the law are dealt with within the juvenile justice system and never tried in the adult penal system;**
- c) **Take all the urgent necessary measures to remove children from adult detention facilities;**
- d) **Introduce the institution of specialized judges in all the provinces and ensure that such specialized judges receive appropriate training;**
- e) **Until such time that the establishment of juvenile courts becomes possible in all provinces, take all measures to ensure that the review of criminal cases concerning children is conducted by judges trained accordingly;**
- f) **Ensure that detention is applied as a measure of last resort and for the shortest possible period of time and be reviewed on a regular basis with a view of withdrawing it;**
- g) **Ensure that pre-trial detention be used only for serious crimes and that alternative measures be used for others;**
- h) **Ensure that all children deprived of liberty have access to education, health and recreational facilities; and**
- i) **Request further technical assistance in the area of juvenile justice and police training from the Interagency Panel on Juvenile Justice, which includes UNODC, UNICEF, OHCHR, and NGOs.**

#### **Protection of witnesses and victims of crimes**

90. The Committee notes that there are no specific provisions in the criminal law and procedures for the hearing of child victims of crime, including sexual exploitation and sexual abuse.

91. **The Committee recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and/or witnesses of crimes e.g. children victims of abuse, domestic violence, sexual and economic exploitation, abduction and trafficking, and witnesses of such crimes, are provided with protection required by the Convention and that it take fully into account United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005).**

## **8. Ratification of International and Regional Human Rights Instruments**

92. **The Committee welcomes the ratification by the State party of the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict.**
93. **The Committee calls upon the State party to promptly submit its initial reports under the two Optional Protocols to the Convention. It also encourages the State party to accede to all core human rights instruments, including the International Covenant on Economic, Social and Cultural Rights and ensure prompt compliance, implementation and reporting requirements in order to promote and improve the overall protection of human rights.**

## **9. Follow-up and dissemination**

### **Follow-up**

94. **The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented, inter alia by transmitting them to the members of the Council of Ministers, the National Assembly, the Supreme Court and the local Governments for appropriate consideration and further action.**

### **Dissemination**

95. **The Committee further recommends that the second periodic report and written replies submitted by the State party and the related recommendations (concluding observations) it adopted be made widely available in the languages of the country, including (but not exclusively) through the Internet to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Convention, its implementation and monitoring.**

## **10. Next report**

96. **The Committee invites the State party to submit its combined third and fourth periodic report by 25 May 2016. This report should not exceed**

**120 pages (see CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Committee.**

- 97. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the Common Core Document in the Harmonised Guidelines on Reporting, approved by the 5<sup>th</sup> Inter-Committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).**

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