



# Global Monitoring



*Report on the*  
status of action against commercial  
sexual exploitation of children

**MOZAMBIQUE**



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Compiled by: Renata Cocarro

Design by: Manida Naebklang

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(End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes)  
328 Phayathai Road, Bangkok 10400, Thailand  
[www.ecpat.net](http://www.ecpat.net)  
[info@ecpat.net](mailto:info@ecpat.net)

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# Glossary of terms and acronyms

**AIDS:** Acquired Immune Deficiency Syndrome

**Code of Conduct:** A code for travel and tourism companies, providing guidance on the protection of children from sexual exploitation

**CRC:** Convention on the Rights of the Child

**CSE:** Commercial sexual exploitation

**CSEC:** The commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.

**CST:** Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.

**ECPAT:** End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes

**Grooming:** Preparing a child for sexual abuse and exploitation

**HIV:** Human immunodeficiency virus

**ILO:** International Labour Organization

**IOM:** International Organization for Migration

**ISPs:** Internet service providers

**IT:** Information technology

**MICAS:** Ministry for the Coordination of Social Action

**NGO:** Non-governmental organization

**NPA:** National Plan of Action

**SACTAP:** Southern African Counter-Trafficking Assistance Programme

**SANTAC:** Southern Africa Regional Network against Trafficking and Abuse of Children

**STIs:** Sexually transmitted infections

**TDM:** Telecomunicações de Moçambique

**UN:** United Nations

**UNESCO:** United Nations Educational, Scientific and Cultural Organization

# Foreword

Ten years have passed since the First World Congress against Commercial Sexual Exploitation of Children (CSEC) was held in 1996 in Stockholm, Sweden. The Stockholm Congress was a landmark event, providing testimony that convinced the world that sexual violations against children exist in all nations, irrespective of cultural differences or geographic location. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to a global Declaration and Agenda for Action, which was formally adopted by 122 governments, as a guide to the specific measures that must be taken for counteraction.

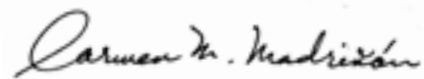
Since 1996, many actors around the world have focused their efforts around this common Agenda for Action and more government and non-government entities have linked, to ensure positive change for children and to protect their right to live free from sexual exploitation. This broad societal alliance (bolstered by a Second World Congress held in Yokohama in 2001, during which the number of countries adopting the Agenda rose to 159 - a figure which has since risen to 161) has made progress in improving protection for children from commercial sexual exploitation. However, the increasing sophistication of resources available to those who seek to exploit children have grown in equal measure. Responding to these challenges requires far more coordinated and targeted work to be undertaken to avoid retrogression.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection, like the lead taken for protecting children's rights, determines the nature, quantity and quality of what the country achieves for its children. Governments can and have accelerated progress for implementation of the Agenda for Action, often opening new and important channels for such work. Nevertheless, their actions have not been uniform and, as these country profiles attest, far more urgent work must be done to protect children from such heinous violations, as these are still perpetrated with impunity in many countries.

This report aims to provide a baseline of information on actions taken and remaining gaps for addressing CSEC in each country, based on the framework of the Agenda for Action, to enable more systematic assessment of progress on implementation of this commitment. It also seeks to contribute to other international mechanisms that exist to protect children's rights; the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the sale of children, child prostitution and child pornography* so as to strengthen the implementation and action against commercial sexual exploitation of children at all levels.

Another important objective of these reports is to stimulate the exchange of experience and knowledge among countries and different actors to create a dialogue that can further work against CSEC. While much has been achieved over the last 10 years, many gaps still remain. The implementation of the Agenda for Action is urgently required, for as the reports clearly illustrate, there is a compelling need for global action to protect children from these inhuman violations.

This project is the result of a broad and global collaboration. ECPAT International (EI) would like to thank all those who participated in the work and contributed their inputs, in particular the ECPAT member groups in the countries examined, local experts who provided valuable information and insights, other organisations that shared their experience and information, the dedicated staff and volunteers in the Secretariat of EI and the generous donors who backed the project (more extensive acknowledgements can be found in the Regional Report). This work would not have been realised without their support and solidarity.



Carmen Madriñán  
Executive Director, ECPAT International

## Methodology

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress of 2001 and in the Mid-Term Review meetings held between 2004 and 2005. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of information from different sources and parts of the world.

Early desktop research revealed a lack of information in the areas of Recovery, Rehabilitation and Reintegration; and Child Participation. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports would focus only on those areas of

the Agenda for Action where verifiable information could be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; and Protection, and where information on the other two areas was available, it has been included under the specific country or in the regional overview.

Research of secondary sources, including CRC country reports, alternative CRC reports, the reports of the Special Rapporteurs, submissions for the recent UN Study on Violence against Children, as well as research and field studies of ECPAT, governmental and non-governmental organizations, and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion through teleconferences, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation.

They also served as a measure for triangulating and validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all reports feature: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see [www.ecpat.net](http://www.ecpat.net) for further details); and (vi) priority actions required.



# MOZAMBIQUE

Since the 1990s, child prostitution has grown significantly in urban areas of Mozambique.<sup>1</sup> The United Nations Committee on the Rights of the Child noted the existence of and an increase in child prostitution in Maputo, Beira, Nacala and some rural areas.<sup>2</sup> The majority of victims are girls, some as young as 10 to 14 years old, most with little or no education.<sup>3</sup> Girls typically receive between US\$1 and US\$4.50 from each client, with the average being US\$2.50.<sup>4</sup> Prices tend to be higher for sexual intercourse without a condom,<sup>5</sup> which leads many children to agree to engage in unprotected sex in order to boost their income. Many of these girls are employed as domestic workers or in subsistence agriculture during the day and are exploited in prostitution at night for additional money.<sup>6</sup> In some cases, girls who work as hawkers and domestic servants suffer sexual abuse and harassment in the course of their work and “for some, these experiences seem to motivate their becoming involved in prostitution - charging money for what they are otherwise forced to do, owing to the circumstances under which they live.”<sup>7</sup> They may also resort to commercial sex in order to escape highly exploitative working conditions.

While the majority of children involved in prostitution in Mozambique appear to be girls, there are reports of prostitution of boys,<sup>8</sup> although not much information on this phenomenon is readily available. The Committee on the Rights of Child has noted that boys are less protected from abuse than girls.<sup>9</sup>

The UN recently investigated and confirmed reports that some of its peacekeeping soldiers were sexually exploiting young girls. The reported soldiers were sent home, but it is unclear what steps, if any, the UN has taken to punish them and prevent further instances of its peacekeepers promoting child prostitution.<sup>10</sup>

### *Preventative efforts should focus on the root causes of commercial sexual exploitation of children*

A number of socio-cultural factors considerably increase young girls' vulnerability to sexual exploitation. For instance, girls are often encouraged to marry at an early age and to abandon school to take care of their husbands and children. In some communities, they are considered ready for marriage when puberty begins.<sup>11</sup> Having their education disrupted in order to marry severely impacts their future ability to generate income, which leads many girls to resort to prostitution to make ends meet once a marriage is broken. As young girls are considered mature enough for marriage, they are also deemed ready to become sexually active. Thus, from an early age, girls are sought by men for sex. This often takes place without previous education on safe sex, HIV/AIDS and contraceptive methods, which then exacerbates their vulnerability to the consequences of commercial sexual exploitation of children (CSEC), such as unwanted pregnancies and HIV infection.

The high levels of poverty in the country also lead numerous young girls to engage in commercial sex in order to provide for their families, especially as some parents compel them to leave school to start working. Such pressures influence them to accept vague job offers only to end up as victims of trafficking or sexual exploitation. Some families may also encourage the prostitution of a child for additional income.<sup>12</sup>

Lured by false promises of employment in South Africa, girls as young as 14 are transported and sold to South African men as concubines<sup>13</sup> or for prostitution. In some cases, traffickers recruit prostituted girls from Maputo nightclubs, promising that they will earn more money in Johannesburg, South Africa, only to sell them to brothels in Gauteng and KwaZulu-Natal.<sup>14</sup> Traffickers also recruit girls from the Nampula province, where they can be bought in the local market, and sell them to South African brothels for Rands 1,000 (approx. US\$ 135).<sup>15</sup> Typically, once recruited, these girls are sent to a transit house in Maputo, where they wait until transport can be arranged to take them to South Africa. Minivan taxis are often used to smuggle people from Maputo to Johannesburg. Traffickers have agents located in Maputo, Johannesburg and in the border areas between Mozambique, Swaziland and South Africa, where they recruit, transport and sell girls.<sup>16</sup>

The girls recruited by traffickers are transported along with other Mozambicans migrating to South Africa for work and do not realise that they are being trafficked for sexual purposes. Traffickers use three different routes: from Maputo to Gauteng Province via Ressano Garcia and Lebombo; from Maputo to Gauteng and KwaZulu-Natal via Ponta do Ouro;<sup>17</sup> and from Maputo to Durban and Pietermaritzburg via Ponta do Ouro. In all routes, passengers disembark from the vehicle before the border is reached, cross by foot and then reboard the vehicle once across the border.<sup>18</sup>

After crossing the border at Lebombo, trafficked victims are taken to transit houses, where traffickers take their documents, demand more money and harass them. Here, recruited girls begin to suspect their traffickers' motives as some traffickers force them to have sex in exchange for the 'jobs' the traffickers have arranged.<sup>19</sup> After arriving at their destination in South Africa, these girls are once again taken to transit houses and later to the West Rand mines, where they are openly sold to mineworkers, who buy them as wives for Rands 650 (approx. US\$ 88). They are then sexually exploited by the mineworkers; these "marriages" often end after a few months.<sup>20</sup> The trafficked girls are also sold to businessmen from the townships of Soweto, Daveyton, Thembisa, Thokoza as well as a township near Vereeniging.<sup>21</sup>

There is limited information about the trafficking route via the Ponta do Ouro border. This route is used to traffic girls to brothels in Pretoria and KwaZulu-Natal, where they are sold for Rands 1,000. The girls are usually kept in South African brothels for three months, and then a new group of Mozambican girls are "ordered".<sup>22</sup>

Refugees also appear to be involved in trafficking children. Children from rural areas in the provinces of Gaza, Inhambane, Maputo and Nampula are sent to Mozambican refugee families in South Africa and from there to prostitution networks in Johannesburg.<sup>23</sup>

Although there is awareness in rural communities of the trafficking problem, girls and their families in rural communities are drawn to the possibility of additional income and often overlook the dangers of migrating to South Africa for work. The trafficker or recruiter is usually someone known to them. Trafficking is further facilitated by Mozambican parents' acceptance of migration as a way of life and the practice of "giving" a child to a wealthier family that is supposedly better able to educate and support the child.<sup>24</sup>

Child trafficking is exacerbated by the low level of birth registration in the country. The Committee on the Rights of the Child has pointed out that a large proportion of children are not registered at birth, although statistics on this are not available.<sup>25</sup> Factors contributing to child trafficking include ineffective legislation resulting in the low risk of arrest and prosecution of traffickers;<sup>26</sup> scarce resources to better enforce the law; victims' fear of giving evidence against traffickers; and the corruption and complicity of law enforcement.<sup>27</sup>

A number of reports have revealed the existence of child sex tourism in certain Mozambican cities.<sup>28</sup> In particular, a 2006 United Nations Educational, Scientific and Cultural

Organization (UNESCO) policy paper points to a commercial sex industry linked to tourism, which is affecting children.<sup>29</sup> The tourism industry has increased considerably in recent years and its impact on child sex tourism is being discussed more widely. As a preventive measure, the Ministry of Tourism has issued a set of norms for hotel and tour operators so that they do not facilitate the sexual exploitation of children in tourism.

There is no information available on the production or dissemination of child pornography within Mozambique. The Government believes that child pornography does not presently affect the country and, as such, has not developed measures to prevent children from being exposed to or participating in the production of pornography.<sup>30</sup> There have been recent cases of Mozambican women being used in the production of pornographic materials accessible via the Internet, and it is possible that children will also start to be recruited for this purpose. As a preventive measure, awareness raising of the issue is recommended. Furthermore, the incidence of child sex tourism suggests it is possible that some Mozambican children have been used to create child pornographic images; as in several other countries around the world, child sex tourists have been found to produce pornographic materials while abusing children.

### *The impact of orphaned children and HIV/AIDS*

Years of civil war have severely impacted upon the lives of Mozambican children, and it is estimated that 250,000 children have been orphaned or separated from their families as a result.<sup>31</sup> Unlike some of its southern African neighbours, Mozambique's HIV prevalence rate remains exceptionally high and does not appear to be declining.<sup>32</sup> The pandemic has seriously affected Mozambican children,<sup>33</sup> and it is estimated that around 600,000 children are AIDS orphans.<sup>34</sup> Impoverishment and orphanhood due to HIV/AIDS have been identified in other African countries as factors making children highly vulnerable to engaging in commercial sex to survive and provide for their families, especially as a large number of girls become the breadwinners following the death of their parents. Due to the widespread belief in certain myths, HIV/AIDS further impacts on children by increasing the demand for sex with young girls, as they are believed to be HIV-free and even capable of curing those who are infected.<sup>35</sup> More precise information on the linkages between commercial sexual exploitation of children and HIV/AIDS in Mozambique is very sparse.

Mozambique adopted the *Stockholm Declaration and Agenda for Action* in 1996 and reaffirmed its commitment while participating in the Yokohama Second World Congress in 2001.

## NATIONAL PLAN OF ACTION (NPA)

In 2002, the Committee on the Rights of the Child noted that Mozambique has no national plan to address child sexual exploitation or cross-border trafficking<sup>36</sup> despite its commitment to establish a national plan of action against CSEC by the end of 2000.<sup>37</sup> Five years later, such a failure raises significant concerns about Mozambique's commitment to protecting children from sexual exploitation.

Mozambique has a national plan for children that addresses health, education, water and sanitation, nutrition and child development issues and a Social Action Strategy for the Child regarding children in difficult circumstances.<sup>38</sup> While these efforts offer some guidance for the well being of Mozambican children, they fall far short of what is required to adequately protect them from being prostituted, used to create pornographic images and trafficked for sex.

## COORDINATION AND COOPERATION

### Local and National Level

Mozambique still lacks a focal point on CSEC, which is a key requirement of the *Stockholm Agenda for Action*. Generally, Mozambique has an inefficient child protection system, weak coordination between key actors and poor capacity building of children's issues.<sup>39</sup> In order to enhance policies and strategies on child protection, the Government is presently creating a National Council for Children, which shall have five seats for civil society representatives. It is hoped that such a council will have a proactive role in addressing commercial sexual exploitation of children, since no other governmental body is systematically addressing the issue.

The Ministry for the Coordination of Social Action (MICAS) oversees initiatives related to child protection in general.<sup>40</sup> To assist MICAS, an *Action Agenda for the Mozambican Child* was prepared by the United Nations Children's Fund (UNICEF), the Save the Children

Alliance and the Foundation for Community Development. The agenda seeks to facilitate the implementation of the *Convention on the Rights of the Child (CRC)* and to guide child rights work in the country as undertaken by the government, civil society and national and foreign NGOs.<sup>41</sup> Surprisingly, it does not feature provisions to tackle the commercial sexual exploitation of children.

MICAS established the Department for the Child, Women and Family.<sup>42</sup> At least three other government organisations address child sexual abuse: the Ministry of Interior's Office for Attending to Women and Child Victims of Domestic Violence; the Ministry of Justice's Juvenile Courts; and the Ministry of Women and Social Welfare's Provincial and District Directorates.<sup>43</sup>

At the non-governmental level, Rede da Criança, the ECPAT group in the country, is a network of 59 national and international organisations committed to the welfare of children living in difficult circumstances.

## Regional and International Level

Civil society and other governments in southern Africa have recently initiated discussions to explore ways to enhance regional cooperation against child trafficking specifically, but it appears that formal agreements to improve cooperation between Mozambique and other countries in the region that are mutually affected by trafficking in children for sexual purposes and other forms of CSEC, are still lacking.

In 2002, the Southern Africa Regional Network against Trafficking and Abuse of Children (SANTAC) was launched in Mozambique. It has since promoted police training on child trafficking issues and provided legal assistance to child victims of trafficking as well as raising awareness through sporting events and initiatives for youth.<sup>44</sup>

In addition, the International Organization for Migration (IOM) established the Southern African Counter-Trafficking Assistance Programme (SACTAP), which conducts research, disseminates information, supports institutional capacity building and provides assistance and rehabilitation to victims in six southern African countries.<sup>45</sup>

## PREVENTION

Several awareness raising campaigns on child migration and trafficking have been conducted in urban centres in the past years. As they have been quite successful in educating the population on how to protect children from these threats, traffickers have changed their strategies and are currently operating mainly in the countryside,<sup>46</sup> where most people are still uninformed about such issues. Hence, there is a marked need for such interventions in rural communities. As part of the Government's development plan, a great deal of investment is being planned in rural areas. This is likely to result in a considerable influx of foreigners and to intensify business and interaction with neighbouring countries, which often contribute to a rise in child prostitution and trafficking. CSEC preventative efforts should thus focus on the locations singled out in the developmental plan, such as the districts in the corridors of Maputo, Beira and Nacala. These areas also present a high concentration of impoverished and uneducated people, who are usually more easily deceived by traffickers and others seeking to exploit children. International agencies and relevant government departments must allocate more resources for CSEC preventative work in general, as the importance of projects focusing on prevention is still underestimated. Finally, more efforts are required to promote continuous access to education by girls and to gradually erode practices such as early marriages, both of which place girls at increased risk of commercial sexual exploitation.

In 2002, the Committee on the Rights of the Child suggested that Mozambique continue and strengthen campaigns against commercial sexual exploitation of children and expand them to include the hotel and tourism industry.<sup>47</sup> In this regard, arranging for Mozambican hotel and tour operators to sign the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism*<sup>48</sup> is an important step to prevent child sex tourism.

Mozambique has had a number of campaigns related to eliminating child sexual abuse, prostitution and trafficking. In 1997, the President of Mozambique launched a campaign against child prostitution that was supported by several government ministries, the Attorney General's office and a number of children's and women's rights NGOs. The campaign's slogan was 'Break the Silence and End Child Prostitution'.<sup>49</sup> Radio Mozambique and Mozambican Television broadcast announcements and publicity spots in Portuguese and Tsonga featuring well-known public figures.<sup>50</sup> Another feature of the campaign was the involvement of youth associations in informational meetings and debates.<sup>51</sup>

In 2000, the National Campaign against the Sexual Abuse of Children was launched in Ressano Garcia. The campaign eventually became part of Terre des Hommes' 2001 International Campaign against Child Trafficking, which gathered support for the efforts of Mozambican NGOs to increase public awareness, lobby for the adoption of international instruments protective of children and improve repatriation and assistance to child victims of trafficking.<sup>52</sup>

More recent initiatives include the formation of community committees in the Sofala province to address issues such as early marriage, harmful work and access to education by girls. These community committees undertake awareness raising activities and follow up with community police officers, judges and traditional chiefs on cases involving violence or sexual abuse of children.<sup>53</sup>

In addition, UNICEF is supporting the Ministry of Interior (the police force in particular) and the Ministry of Labour in documenting incidences of commercial sexual exploitation and abuse of children.<sup>54</sup> Another area of support is the establishment of community monitoring systems and the sensitisation of communities on the incidence of sexual exploitation and abuse.

Rede da Criança participated in the ECPAT International make-IT-safe campaign. Elements of the campaign included discussions on information technology (IT) issues during network member meetings and with educators and children; field visits to partners; awareness raising through newsletters and the group's website; and contacts with the two main IT enterprises in Mozambique, Telecomunicações de Moçambique (TDM) and TVCabo, with a view to engaging the private sector in efforts to prevent child pornography and the exposure of children to harmful materials.

Rede da Criança also organised lobbying of government and parliamentary institutions in relation to a law reform proposal to better combat CSEC crimes, which is expected to be approved in 2007. Youth and children from rural areas actively participated in such activities.

Finally, a Children's Parliament was created at national, provincial and district levels together with school committees, child parliamentarians work with adults and government agencies to follow up on child sexual abuse cases.<sup>55</sup>

## PROTECTION

Mozambique ratified the *Convention on the Rights of the Child*<sup>56</sup> in 1994 and acceded to its *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)*<sup>57</sup> in 2003. In 2006, Mozambique ratified the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)*.<sup>58</sup> ILO *Convention No. 182* was ratified in 2003.<sup>59</sup> At regional level, Mozambique was one of the first countries to ratify the *African Charter on the Rights and Welfare of the African Child* in 1998.

### Legislation

The Government of Mozambique has recognised that there are gaps in the country's laws related to offences against children and that the legislation does not clearly address sexual exploitation and abuse of children.<sup>60</sup> Furthermore, under Mozambican law,<sup>61</sup> once an international instrument is ratified and adopted, it becomes part of the country's legislation provided that it does not conflict with domestic law.<sup>62</sup> The Committee on the Rights of the Child has expressed concern about this practice since the *Convention on the Rights of the Child* may be violated whenever it conflicts with domestic law. Finally, in addition to its statutory legal system, Mozambique has a tradition of customary and religious practices<sup>63</sup> which often do not comply with international legal standards for the protection of children.

For example, according to customary and religious practices, rather than being defined by age, a child is defined by his/her physical and mental capacities;<sup>64</sup> girls are no longer considered children after puberty and boys are no longer considered children once they can perform adult tasks such as hunting and fishing.<sup>65</sup> The transformation from child to 'adult' usually takes place well before children reach 18 years of age and, as such, a person under 18 years of age may not enjoy legal protection in certain cases. Moreover, while the legal age for marriage is 18, boys aged 16 and girls aged 14 years of age can marry with the consent of a parent or guardian.<sup>66</sup> This often leads to early marriages, which have proved detrimental to children in many ways, including by making them more vulnerable to sexual exploitation.

While the Government of Mozambique explained that customary law “carries no weight” and does “not constitute applicable rules within” Mozambique’s domestic law,<sup>67</sup> the Committee on the Rights of the Child is concerned about the differing minimum ages of marriage for boys and girls, as well as the varying definitions of a child under customary law that are inconsistent with the CRC.<sup>68</sup> Thus, in addition to harmonising domestic law with international standards, Mozambique must also harmonise traditional and customary practices with international legal standards for protecting children.

Finally, the *Declaration of the Rights of the Mozambican Child*, created after independence, should be mentioned as part of the efforts to enhance legal protection of children in the country.<sup>69</sup>

### Prostitution of Children

Mozambique’s *Penal Code* punishes facilitating and procuring children for prostitution. It also punishes the practice of prostitution, which could potentially further victimise children who are found to be engaged in commercial sex. Moreover, according to the definition of a prostitute contained in this law, prostitutes are only considered to be women and girls, so it is unclear whether the facilitating and procuring portions of the law offer any protection to boys. Similarly, the *Penal Code*’s additional provisions related to indecent acts, debauchery, corruption and rape appear to offer little protection to boys forced into prostitution. Without a law that specifically defines and prohibits sex with any child for remuneration, Mozambican children cannot be fully protected against exploitation in prostitution.

Mozambique’s *Penal Code* prohibits practising or facilitating prostitution and violators may be punished with up to one year in prison and a fine.<sup>70</sup> According to this law, a prostitute is a girl or woman who has illicit sex with any man for remuneration or other economic benefit.<sup>71</sup>

A person who excites, favours or facilitates prostitution or corruption of his/her descendant may be punished with between one and two years’ imprisonment, a fine and suspension of political rights for 12 years.<sup>72</sup> If a guardian or person who is responsible for a child under 12 years of age commits this crime, s/he may be punished with six months to two

years' imprisonment, a fine, loss of guardianship or family council membership rights for 12 years and s/he cannot teach, manage or seek to manage any educational institution.<sup>73</sup> Similarly, it is illegal to favour or facilitate debauchery or corruption of a child under 21 years of age to satisfy the "dishonest desires of another person"; violators may be punished with three months to one year's imprisonment, a fine and suspension of political rights for five years.<sup>74</sup>

It is illegal to seduce and rape a girl above 12 and below 18 years of age and violators may be punished with two years' imprisonment.<sup>75</sup> Subject to these provisions, raping a child under 12 years of age is a crime that may be punished with between two and eight years' imprisonment.<sup>76</sup> The *Penal Code* also prohibits committing an "indecent act" with a person of the opposite gender using violence or to "satisfy lascivious passions". Offenders may be punished with a term of imprisonment. If the victim is under 16 years of age and the crime was not committed using violence, the same punishment applies.<sup>77</sup>

Mozambique is one of only a few countries that have passed an act which includes and specifically points to the illegality of child sex tourism. *Law 4/2004* of 17 June 2004 specifically states that "the practice of child sex tourism, whether as a supplier of tourism products and services or as a consumer or tourist, with the involvement of minors, is considered to be a criminal offence punishable under the criminal law."<sup>78</sup> It is unclear, however, to what extent this act has been used to combat child sex tourism.

In addition, the Government of Mozambique states that the 1999 *Law Regulating Access of Children to Public Venues for Night Entertainment and to Consumption of Alcohol and Tobacco* offers some protection to children from sexual exploitation.<sup>79</sup>

### **Trafficking in Children for Sexual Purposes**

Although Mozambique has ratified the *Trafficking Protocol*, it has no law that specifically defines and prohibits all activities related to child trafficking - a most serious gap in the protection of its children. At best, the *Penal Code* contains provisions related to kidnapping of or depriving a child of her/his family. For example, it is illegal to use violence and fraud to take or withdraw, or assist in taking, a child under seven years of age from his/her home; offenders may be punished with between two and eight years' imprisonment.<sup>80</sup>

### **Important legal reform proposal awaiting approval**

Coordination among civil society organisations has resulted in an important proposal for legal reform to better tackle trafficking in children and child prostitution: the *Law to Prevent and Combat Trafficking in Human Beings*, which is currently being studied by the Council of Ministers. It seeks to ensure that Mozambican law contains specific provisions to effectively punish trafficking in human beings, especially trafficking in children, for the purposes of sexual exploitation, labour, commerce of organs, practices similar to slavery and forced marriages. It also features provisions to enhance protection of victims and witnesses in trafficking cases.

Another important law reform proposal referring to general child rights and protection issues was recently approved by the Council of Ministers and will soon be examined by the National Assembly.

### **Child Pornography**

Based on the information available, Mozambique does not appear to have legislation that specifically defines and prohibits the creation, distribution and possession of child pornographic images.

According to the Government of Mozambique, the *Penal Code* prohibits the production and dissemination of child pornography; however, no specific provisions are provided for this assertion.<sup>81</sup> The only specific provision identified in this area is a law that regulates the sale, screening and renting out of video cassettes containing pornography and other material and prevents children under 18 years of age from accessing such material.<sup>82</sup>

### **Extraterritorial Legislation**

Mozambique does not have extraterritorial legislation that criminalises acts by its citizens performed in other countries related to commercial sexual exploitation of children.

However, a number of bilateral agreements provide that certain crimes committed by Mozambican citizens abroad may be subject to trial in Mozambique. One such agreement

exists with South Africa, for instance. The law also punishes Mozambican citizens who commit offences while working abroad in diplomatic missions.

## Child Protection Units

To assist trafficked persons, the Ministry of Home Affairs/Interior has developed child- and women-friendly police stations in Maputo, Beira, Nampula and some towns in the Gaza province. There are plans to establish a total of 16 Child Protection Units in police stations throughout the country, which is an important initial step in ensuring adequate assistance to child victims of crimes and improving the quality of investigations, though by no means does it respond to the actual demand for such specialised units. In addition, the NGO Association of Defenders of Child Rights offers child protection services in five police stations.<sup>83</sup>

The Attorney-General's Office seeks to designate trained professionals to interview children in a friendly and non-traumatic way. However, such trained staff are not available in all parts of the country. In addition, testimonies are still taken in normal courts without the option of testifying on-camera or in a private room.

## Support Services for Children

Support services available for children escaping commercial sexual exploitation are very restricted, as are social assistance services in general. While several organisations provide assistance to children in need of care and protection,<sup>84</sup> there is a marked gap in the provision of support, rehabilitation and reintegration services specifically tailored for children exploited in commercial sex. Mozambique has very few professionals that specialise in CSEC issues and even fewer with expertise on how to adequately assist CSEC victims throughout the rehabilitation process. The Government has noted that, in some centres and shelters, further abuse of children seeking assistance takes place.<sup>85</sup> Also lacking is a referral system, as the police are often unsure of whom to refer rescued children. The actual reintegration of children into their families and communities is far from effective, as follow up and local support is virtually non-existent once the children are returned. Children in prostitution are usually stigmatised by their parents, peers and community members, who reject and further isolate them, thus seriously hindering any rehabilitation and reintegration efforts.<sup>86</sup>

The Maputo Central Hospital has a Child and Youth Psychological Rehabilitation Centre for child victims of violence, including sexual abuse.<sup>87</sup> The Ministry of Women and Social Action recently supported six hospital counsellors who assist child and women victims of violence, including trafficking. The Association of Defenders of Child Rights provides legal assistance to child victims of sexual abuse and trafficking,<sup>88</sup> and the faith-based organisation Forum de Educação Cívica runs a shelter for child victims of trafficking<sup>89</sup> and sexual abuse in Ressano Garcia, in the Moamba district.<sup>90</sup>

In addition, SACTAP has sought to establish a regional network of service providers able to offer shelter, medical assistance, counselling and skills training to trafficking victims, also providing them with assisted voluntary return to their home countries. SACTAP is establishing secure reception centres to provide support to trafficked persons in Mozambique, the Democratic Republic of Congo, South Africa, Zambia and Zimbabwe.<sup>91</sup>

## Training Law Enforcement

Several training sessions on child rights have been provided to Mozambican law enforcement, although much more is needed, particularly with regard to reducing the stigmatisation suffered by CSEC victims within the justice system. Government ministries and the Attorney-General's Office have trained Maputo city police on child rights issues, child prostitution and sexual abuse, related legal matters and the role of police in protecting children. The training revealed the police's lack of knowledge on child rights and how to properly assist child victims, as police officers often characterised children as inciting sexual violence and generally blamed them rather than treated them as victims. Several activities have followed up such training, including the production of plays, brochures, posters, bumper stickers and calendars on child sexual abuse and related child rights legislation.<sup>92</sup> Similar initiatives have taken place in relation to combating child trafficking.

The 2002 SANTAC Regional Campaign against Child Sexual Abuse and Trafficking provided training to three police stations.<sup>93</sup> Frontier guard police and court magistrates have also been trained on child trafficking issues. The police are currently considering a trafficking module for the police academy curriculum and have requested training for staff and cadets. Finally, the NGO Forum de Educação Cívica trains police agents, border control units and migration officials on trafficking issues.<sup>94</sup>

In addition, UNICEF has supported police training on the prevention of sexual exploitation, abuse and violence against women and children.<sup>95</sup>

To build upon these efforts, the Committee on the Rights of the Child suggested that law enforcement training include identifying and recovering exploited children.<sup>96</sup>



## PRIORITY ACTIONS REQUIRED

- Resources must be urgently allocated to develop a National Plan of Action against Commercial Sexual Exploitation of Children.
- It is highly recommended that a working group to deal specifically with the commercial sexual exploitation of children be set up within the National Council for Children presently being established by the Government. Such a working group could also function as the national focal point on CSEC in Mozambique.
- Locations affected by child trafficking should be targeted for awareness raising and law enforcement training. These include trafficking routes from Maputo to Gauteng Province via Ressano Garcia and Lebombo; from Maputo to Gauteng and KwaZulu-Natal via Ponta do Ouro; and from Maputo to Durban and Pietermaritzburg via Ponta do Ouro as well as the rural areas in the provinces of Gaza, Inhambane, Maputo and Nampula. More focused attention should be given to drivers of minivan taxis, which are a well-known means of transport for trafficking victims; border and immigration personnel; community and religious leaders; families and young girls. The dangers of migrating and accepting job offers that may lead to sexual exploitation should also be made clear.
- There is a need to design income-generating and skills training programmes for children and their families, enabling them to work in sectors where there is scope for development, such as in the tourism or service sector. Children vulnerable to commercial sexual exploitation – migrating girls, orphaned children, child domestic workers, child hawkers – need to be targeted.
- Community awareness raising to increase people's understanding of the harmful consequences of early marriages and interrupting young girls' education must be carried out as a matter of urgency.
- The preventative efforts mentioned above must especially target the locations singled out for the Government's development strategy, such as the districts in the corridors of Maputo, Beira and Nacala.
- Mozambique must actively promote the adoption of cooperation agreements with other countries mutually affected by commercial sexual exploitation of children. Enhancing cooperation with South Africa, which receives a large number of trafficked Mozambican girls, is particularly urgent, not only to improve law enforcement efforts but also to ensure that rescued trafficked children receive the assistance they desperately need in terms of rehabilitation and reintegration.
- Mozambique must reconcile domestic legislation as well as customary and traditional practices with the *Convention on the Rights of the Child* to avoid any conflicts and fully guarantee the

rights of every Mozambican child. In the meantime, it is essential that the *Convention on the Rights of the Child* and other relevant instruments ratified by Mozambique take precedence in case of conflicting provisions.

- ✎ Mozambique must draft and enact legislation that specifically defines and prohibits sex with all children under 18 years of age - regardless of gender - for remuneration.
- ✎ Mozambique must enact legislation that specifically defines and prohibits all acts of child trafficking, as required by the *Trafficking Protocol*. Specifically, Mozambican law must criminalise the recruitment, transportation, transfer, harbouring or receipt of a person under 18 years of age for the purpose of exploitation, such as, but not limited to, prostitution, forced labour or slavery.<sup>97</sup>
- ✎ Mozambique should enact legislation that defines child pornography as any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes is child pornography<sup>98</sup> and makes illegal all acts of producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography<sup>99</sup> according to the *Optional Protocol*, which Mozambique ratified.
- ✎ Extraterritorial legislation must be adopted to punish Mozambican residents who commit acts related to commercial sexual exploitation of children in foreign countries.
- ✎ Child Protection Units should be made available in more police stations, equipped with adequate resources and provided with staff training support.
- ✎ Training on issues surrounding commercial sexual exploitation of children must be systematically provided to law enforcers throughout the country through the development of special modules within the police academy curriculum, as well as through sensitisation programmes targeting immigration and border personnel, the Judiciary, public prosecutors, court personnel, etc. Special emphasis should be placed on fostering understanding of children as victims instead of offenders and on identifying and recovering child victims.
- ✎ A sufficient number of tailored rehabilitation and reintegration programmes must be available to assist children victimised in prostitution and trafficking for sexual purposes. This would also entail the provision of training to caregivers, social workers and other professionals assisting such children, as Mozambique lacks expertise on rehabilitation of CSEC victims.
- ✎ The development and monitoring of minimum standards of care in institutions that receive child victims is also urgently required, as well as the creation of a referral system for rescued children.
- ✎ Involving the hotel and tourism industry in efforts to prevent the sexual exploitation of children in tourism is essential and the norms recently issued by the Ministry of Tourism targeting hotel and tour operators should be further promoted and enforced. Also recommended would be the adoption of the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism* by tourism industry stakeholders.
- ✎ Awareness raising efforts should be undertaken within the school system so that children are aware of the risks incurred when accessing the Internet. Sensitisation of the general public and the IT sector would also be recommended to prevent the production, consumption and distribution of child pornography in the country.
- ✎ Local governments and the authorities responsible for enforcing child labour laws must protect children from exploitation in hazardous working conditions, including sexual harassment and exploitation in the work place.

# Endnotes

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- <sup>66</sup> United Nations. *Initial Report of Mozambique to the Committee on the Rights of the Child*. 21 June 2000. CRC/C/41/Add.11. According to the Government of Mozambique, the minimum age at which girls can marry with parental or guardian consent has been raised to 16. See also Government of Mozambique. *Response to the UN Questionnaire on Violence Against Children*.
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## **ECPAT International**

328 Phayathai Road  
Ratchathewi, Bangkok  
10400 THAILAND  
Tel: +662 215 3388, 662 611 0972  
Fax: +662 215 8272  
Email: [info@ecpat.net](mailto:info@ecpat.net) | [media@ecpat.net](mailto:media@ecpat.net)  
Website: [www.ecpat.net](http://www.ecpat.net)