



**Submission to the Human Rights Counsel 3<sup>rd</sup> cycle Universal Periodic Review  
Republic of Mozambique: 38<sup>th</sup> Session, April – May 2021**

**Report on the human rights situation of girls in  
Mozambique: The nexus between girls' economic, social and  
cultural situation, early or forced marriages, early pregnancy,  
and COVID-19**

**Submitted by**

**CECAP SECRETARIATED BY**

**AMODEFA**

**Contact: Santos Simione, [ssosantos2@gmail.com](mailto:ssosantos2@gmail.com) or [ssosantos@yahoo.com](mailto:ssosantos@yahoo.com)**

Phone-number: +258 8453 30 814

**October, 2020**



# Report on the human rights situation of girls in Mozambique: The nexus between girls' economic, social and cultural situation, early or forced marriages, early pregnancy, and COVID-19

## 1. INTRODUCTION

- 1.1 The Coalition for the Elimination of Child Marriages, also known as *Coligação para a Eliminação dos Casamentos Prematuros* (CECAP) is a network of (fifty-six - 56) Civil Society Organisations working to eradicate child marriages in Mozambique. CECAP works with other partners at international and domestic level, joining advocacy efforts on around fighting for the prevention and elimination of child marriages.
- 1.2 Within the framework of this initiative, eight areas of action were identified, including the need to strengthen normative instruments, implement advocacy actions that lead child marriages to be qualified as an offence, and the empowerment of girls.
- 1.3 The initiative also aims to provide support for children who are victims of child marriage, promote the creation of a social and cultural environment in which children are protected from negative practices such as child marriages and, to ensure that government programs and policies reflect actions aimed at eliminating this harmful practice.

## 2. LIST OF ORGANISATIONS CONTRIBUTING TO THIS REPORT

Organisations that were involved and contributed to this report with research, participation in meetings and its validation are set out in Annex A of this report.

## 3. METHODOLOGY

The process of preparation of the report was coordinated by AMODEFA as Secretariat of CECAP and it benefited from the support of other CECAP partners. The report was developed based on desk review<sup>1</sup> that considered recommendations issued during the last UPR of Mozambique and the countries obligations under ratified international human rights treaties. The information contained in this submission is also based on information obtained by the organisations members of CECAP in the course of their

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<sup>1</sup> ROSC – Implementing the Convention of the Rights of the Child in Mozambique: An analysis of progress and challenges (2010-2016), 2015.

work. The assessment included analysis of policies, strategies and plans focusing on women and children, and particularly girls forming the object of the report. A preliminary report was drawn shared for partner inputs, refined, and validated in a wider group discussion with CECAP members. Thus, the development of the report included the consultation of the more than 50 civil society organizations (CSOs) who make up the CECAP coalition, which submitted inputs through email and, then, the report was validated by 12 organizations that make up the coordination committee of the coalition in a zoom meeting.

## **A. NATIONAL UPR CONTEXT**

### **4. Country context**

- 4.1 With a vast area lying on the coast, Mozambique is prone to climate change and serious natural disaster. In 2019, the country was badly ravaged by two cyclones IDAI and Kenneth which destroyed basic infrastructure such as access roads and hospitals, crops, and many families became destitute of shelter. Almost two years forward, the effects of the cyclone remain vivid with score of displaced people including women and girls adversely affected by the climate disaster. Relatively recent reports allude to investigations by UN over claims that victims of cyclone were forced to trade sex for food.<sup>2</sup>
- 4.2 The situation is exacerbated in a context where the outbreak of COVID-19 increased uncertainties about trade and economic growth in the country and the ability of the health system to respond to the pandemic. As it stands, the President of Mozambique expressed fears that the health system may face challenges responding to COVID-19. Thus, the government put in place measures aimed at preventing the rapid spread of COVID-19. As will be addressed in this report, some of these measures have had adverse impact in the enjoyment of the right to education as well as sexual and reproductive health and rights by girls in the country.
- 4.3 Beyond COVID-19 Mozambique is faced with military conflict affecting the province of Cabo Delgado in the northern part of the country and Manica and Sofala provinces, both situated in the central region. Whereas the conflict in the central regions are believed to be linked to dispute of control of power in the main opposition power that signed the peace deal with the Government in 2019, the motivations behind the military conflict in Cabo-Delgado are rather complex with unclear actors. Reportedly, the Cabo Delgado conflict has displaced over 250 000 and caused an estimate 1.100 death. Women and children, and girls in particularly, are among the victims of the conflict. In the current scenario, the government is call upon to take urgent measures, if the rights of the affected population are to flourish, and particularly if young girls right to life is to be protected.

## **5. High Fertility rate among the Population**

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<sup>2</sup> See Human Rights Watch (HRW) Report title Mozambique: Cyclone victims forced to trade sex for food, available at <https://www.hrw.org/news/2019/04/25/mozambique-cyclone-victims-forced-trade-sex-food> (accessed on 10 October 2020).

- 5.1 Mozambique has high adolescent fertility rate (approx. 180 children per thousand adolescents)<sup>3</sup>, and very low levels of usage of contraceptives (approx. 11%). The usage of contraceptives, including condoms and other methods of prevention of pregnancy and sexual transmitted infections is said to be much lower in rural areas<sup>4</sup>. Consequently, girls living in rural areas are more likely to fall pregnant before 15 than girls in urban areas<sup>5</sup> who tend to fall pregnant much later. It prompts the need to intensify education campaigns targeting the use of contraceptives.
- 5.2 Unfortunately, the 2020 approved MOH strategy on school health based and adolescent's health failed to emphasize the importance of long acting reversible contraceptive methods for adolescents, having been excluded from the school package too. This represents a backlash in terms of adolescents sexual and reproductive rights in the country.
- 5.3 It Is problematic that safe abortion services for adolescent girls are still not fully available across the country according to the law. Moreover, implementation is poor in some health facilities where girls are being asked for payments for the services, creating barriers to exercise their rights. Unsafe abortions represent a significant threat and it is a cause of adolescent's deaths that could be prevented. Addressing this issue is critical as it speaks to the protection of the right to life for adolescent girls.

## **B. NORMATIVE AND POLICY CONTEXT**

### **6. The Legal and Policy Framework on Early Marriages**

- 6.1 Mozambique should be applauded for enacting a law against child marriages titled *Lei de Prevenção e Combate as Uniões Prematuras*. However, we note with concern that the National Strategy for Preventing and Combating Child Marriages (2016-2019) has become outdated as the period of implementation of the policy ended in 2019.
- 6.2 The lapse on the implementation period means that there is risk that the work of the Platform tasked with the Evaluation and Monitoring of the Implementation of the child marriages Strategy will be rendered futile. There is, thus, an urgent need for the Government of Mozambique to put in place a new strategy which should promote/build upon the gains achieved under the previous policy combating child marriages. The strategy should be complemented with resourcing for its implementation.
- 6.3 Moreover, reports show that there is little knowledge among boys and girls about the existence of a law that protects them against child marriages<sup>6</sup>. In this regard, a recent study highlighted that less than 50% of children interviewed in 6 districts (in the North, South and Central parts of the country) knew about the Child Marriages Act.<sup>7</sup> We also have fears that those who should enforce the laws (judicial institutions), protect victims

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<sup>3</sup> Arnaldo, Frederico, & Dade, *Casamentos prematuros em Moçambique: Que distritos estão mais afectados*, Centro de Pesquisa em População e Saúde, 2014. See also Mozambique 2018 MIS.

<sup>4</sup> See Moçambique – Inquerito demográfico e de saúde, available at <https://dhsprogram.com/pubs/pdf/PR14/PR14.pdf> (accessed 10 October 2020).

<sup>5</sup> UNICEF, FNUAP & CECAP, *Casamento prematuro e gravidez na adolescência em Moçambique: Causas e impacto*, UNICEF, FNUAP & CECAP, 2015 available at <https://www.unicef.org/mozambique/sites/unicef.org.mozambique/files/2019-02/Casamento-Prematuro-Gravidez-Adolescencia-Mocambique-Causas-Impacto.pdf> (accessed on 6 October 2020).

<sup>6</sup> Act No. 19/2019 of 22 October 2019.

<sup>7</sup> Plan International, *Gender Rapid Needs Assessment Report*, Maputo Mozambique, pg. 11.

(police), and those who promote and support early marriages (community leaders, adults - parents, guardians) have little knowledge, if any at all about the law and the negative consequences of child marriages.<sup>8</sup> It calls for the urgent need for government to disseminate the law and to provide training on the implementation of the law for all concerned stakeholders and community members.

## C. SOCIO-ECONOMIC SITUATION OF GILRS

### 7. Inequalities and Poverty

- 7.1 In 2018, the World Bank reported that despite economic gains, inequality rates increased in Mozambique.<sup>9</sup> The report states that in the past years the cost of living increase, but household income remained the same. As inequality remains high due to less inclusive economic growth the capacity of consumers to purchase goods reduces.
- 7.2 We are concerned that the reduction of household/consumer capacity to purchase goods adversely affects the extent to which families can provide for their children. We call for urgent action by the government of Mozambique to ensure inclusive growth in line with the objectives of the SDG's and its five-year development plan (Plano Quinquenal do Governo). Where possible, government should make provisions, including cash transfer and other forms of assistance to support families adversely affected by inequality and poverty.

### 8. Education for Young and Adolescent Girls

- 8.1 Since the last review under the Universal Period Review Mozambique took significant steps to promote the educational rights of young and adolescent girls. Examples of this include the enactment of a new Penal Code with provisions that punish perpetrators who engage in sexual acts with children (including girls of school going age) and the lifting of Decree 39/2003 which was used to compel pregnant school girls to be transferred to night/evening classes. In the absence of Decree 39/2009, we remain to see how the events will develop as we hope for the best.
- 8.2 On the negative side, sexual violence in schools continues to be a huge problem. According to WLSA, teachers are among perpetrators who harass girls and rape them in exchange for grades.<sup>10</sup> Equally, report by UNICEF states that “women and girls are also particularly affected by poor access to water and sanitation”. Further, it states that:

Besides having a detrimental impact on their health, poor access to WASH for girls threatens their security, well-being, education, and contributes to a loss of dignity and threat of sexual assault due to a lack of toilets, both in times of emergency and stability. Also, children with disabilities are denied access to a school education

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<sup>8</sup> See generally Plain International Policy Brief *Child marriages and adolescent pregnancy in Mozambique: Gaps and opportunities*, available at [https://www.girlsnotbrides.org/wp-content/uploads/2016/11/PLAN\\_18\\_policy\\_brief\\_mozambique\\_final.pdf](https://www.girlsnotbrides.org/wp-content/uploads/2016/11/PLAN_18_policy_brief_mozambique_final.pdf) (accessed 13 October 2020).

<sup>9</sup> World Bank, *Mozambique Economic Update: Less Poverty, but more inequality*, November 2018, available at <https://www.worldbank.org/en/country/mozambique/publication/mozambique-economic-update-less-poverty-but-more-inequality> (accessed on 4 October 2020).

<sup>10</sup> See This information was extracted from Club of Mozambique news report citing WLSA, available at <https://clubofmozambique.com/news/sex-for-grades-sexual-violence-in-mozambique-schools-is-scandalous-ngo-150877/> (accessed 12 October 2020).

when accessible WASH facilities are unavailable or inadequate.

- 8.3 We submit that absent and deficiency water and sanitation infrastructure influences menstrual hygiene management. These are barriers for girls going to school. It then becomes crucial for government to invest in comprehensive education system including addressing sexual violence and providing WASH services.
- 8.4 In a context of a country where there are high rates of HIV/AIDS infections, gender-based violence and early pregnancy, girls' access to comprehensive sexuality education is also another key aspect claiming the attention of the government. To achieve such comprehensive sexuality education Mozambique must live up to its Ministerial commitment on comprehensive sexuality education and sexual and reproductive health and rights for adolescents and youth in Western and Southern Africa. This policy document, like many UN documents on HIV and education, calls upon State-parties, including Mozambique, to take educational measures to ensure that young children enjoy fully their right to highest attainable standard of health. It also envisions a future where youth and children, and particularly young girls, make informed decisions, grow in good health, and become active actors of the destiny of the society.<sup>11</sup>

#### **D. CULTURAL CONTEXT AND THE HEALTH RIGHTS OF GIRLS**

##### **9. Harmful Practices as Drivers of Early Marriages and Violation of Sexual and Reproductive Health and Rights (SRHR)**

- 9.1 Globally, Mozambique is among the top ten countries with the highest rates of early marriages. Low household income and high poverty rates have led parents and children (including young girls) to leave their homes in search of better economic opportunities.<sup>12</sup> This has led girls at a very young age to be exposed to child marriage as their families encourage them to enter marital unions in search of security and economic gains.<sup>13</sup> For instances, prior to the enactments of the National Strategy for Preventing and Combating Child Marriages (2016-2019), Nampula Province had an estimate 62% of women who were married before 18 years.
- 9.2 Alongside the economic hardship, harmful customary practices such as initiation rites have affected adversely the sexual reproductive health and rights of girls in the country.<sup>14</sup> Under the guise of initiation rites, young girls are taught to be good wives and boys are taught to provide for their families. In some cases, initiation rites encourage children to view themselves as adults and mature, despite their young age. As a result, upon completion of initiation rituals some girls are forced into early marriages as they are seen to have graduated into adulthood.
- 9.3 Girls are often forced to drop out of school after marriage so they can assume significant household responsibilities, a denial of their right to an education, which limits their

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<sup>11</sup> See, generally, Ministerial commitment on comprehensive sexuality education and sexual and reproductive health and rights for adolescents and youth in Western and Southern Africa.

<sup>12</sup> See, paras. 54 and 64 Civil of Society Organisations' comprehensive supplementary report on the status of implementation of the Convention on the Rights of the Child in Mozambique submitted to the CRC Committee.

<sup>13</sup> As above.

<sup>14</sup> Victor Bassiano & Claudia Araujo de Lima, *Casamentos prematuros em Moçambique: Causas e consequências do abandono escolar*, *Imagens da Educação*, Vol. 8, n. 2, Ed. 43085, 2018, pg. 7.

future potential and makes it harder for their families to escape the cycle of poverty.<sup>15</sup> Girls who leave school have worse health and economic outcomes than those who stay in school, and eventually their children fare worse as well.<sup>16</sup> Additionally, girls married early are more likely to experience violence, abuse and forced sexual relations due to unequal power relations, and they are less able to advocate for themselves or to escape abusive relationships.<sup>17</sup> They commonly experience mental illness as a result of the violence they face.<sup>18</sup>

- 9.4 There is, thus, a need to regulate initiation rites so that these practices are not implemented in a manner that is inconsistent with children rights protected in instruments such as the UN Children’s Convention which guarantees the right to life, survival and development, and bans discrimination against children. The CRC also protects children’s rights to education and health which are often negated when children are forced into early or forced marriage. Clubs of girls and women organisations should be empowered to work around child marriages and early pregnancy.

## **E. COVID-19 CONTEXT**

### **10. COVID-19 and Girls Enjoyment of Sexual and Reproductive Health and Rights, the Right to Education and Leisure**

- 10.1 The advent of COVID-19 in Mozambique led the President to declared state of emergency in April 2020. The state of emergency, as declared, was extended until late July. During that time, the government adopted a set of measures with view to prevent the spread of the disease. Examples of these include limited provision of certain services as well as interruption/cancellation or shutdown of certain private and public entities. Classes were interrupted and only distance learning through online platforms was allowed. This affected access to educations as majority of learners come from families are poor and unable to purchase computers and other relevant IT equipment needed for online learning.
- 10.2 In August 2020, the state of emergency was replaced with the state of calamity. The newly enforced state of calamity remained in force at the time of writing this report and implied relaxation of some of the measures adopted during the state of emergence including return of basic services such as (gradual) re-opening of schools.
- 10.3 Throughout the time of state of emergency and during the state of calamity many girls have seen their rights violated, including through increased child, early and forced marriage, denial of education, and barriers to access SRHR services. A relatively recent report by Plan International, highlighted that the closure of schools was one of the reasons that made girls felt pressured to marry.
- 10.4 Speaking to the gender needs assessment the report highlighted that during COVID times girls saw their roles and responsibilities increase in their respective homes and they were left with little or no time for leisure. The report by Plan International also

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<sup>15</sup> UNFPA, Child Marriage, <https://www.unfpa.org/child-marriage>

<sup>16</sup> UNFPA, Child Marriage, <https://www.unfpa.org/child-marriage>

<sup>17</sup> UNFPA, Child Marriage: Frequently Asked Questions, <https://www.unfpa.org/child-marriage-frequently-asked-questions>

<sup>18</sup> UNFPA, Child Marriage: Frequently Asked Questions, <https://www.unfpa.org/child-marriage-frequently-asked-questions>

highlights the measures taken during COVID-19 affected income and capacity of families to provide for their children, the quality of education dropped, at least in six districts subject to the report, and the reduced operational capacity of hospital as a result of measures adopted due to COVID meant that girls could hardly get access to sexual reproductive health services. In its General Comment No. 15, the Committee on the Rights of the Child (CRC Committee) emphasized the importance of ensuring access to<sup>19</sup>and quality primary health services for children, including to girls. It reiterated the significance of these services during the last review of the Mozambique State party report under the CRC. In turn, we submit that this could lead to increase early pregnancy, high levels of school dropouts and early marriages, generally.

## **KEY RECOMMENDATIONS**

### **A. Legal and Regulatory framework**

- In line with CRC Committee Concluding Observations on Mozambique combined third and fourth periodic reports of Mozambique, the government should be asked to improve the legal and regulatory framework protecting girls against child marriages, early pregnancy including through ensuring that the national strategy on preventing and combating child marriages (2016-2019) is extended and complimented with adequate resourcing for its implementation.
- Place a normative ban on harmful traditional practices that perpetuate child marriages.

### **B. Eradicate poverty and address inequalities**

- Increase the capacity of families to send girls to schools and avoid falling into pressure of early marriage by developing and implementing inclusive economic programmes and policies, with particular focus on the most disadvantaged population living in the rural areas.

### **C. Sexual reproductive health and rights**

- Take effective measures to implement the Continental Policy Framework for Sexual and Reproductive Health and Rights and its respective plan of action 2016-2030.
- Integrate gender-based violence (GBV) prevention into COVID-19 response plans.
- Ensure provision of GVB services as essential and life saving component of the response, and that services remain open and accessible, including provision of hotlines, referrals, case management and psychosocial support for survivors.
- Prioritise GBV prevention and response activities for adolescent girls with risks of early marriages.
- The government should act to roll out country specific and age appropriate comprehensive sexuality education in line with the ESA commitment and step up efforts to accelerate action for young people's access to comprehensive sexuality education.
- Include or integrate comprehensive sexual education on the secondary school curriculum, as well as in teacher training.

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<sup>19</sup> See para. 33(a) CRC Committee Concluding Observations on the combined third and fourth periodic reports of Mozambique, UN Doc. CRC/C/MOZ/CO/3-4.



#### **D. Education**

- Ensure that education response and recovery plans are gender-responsive and targeted to local context needs.
- Promote appropriate inclusive distance learning methods to reach out the most marginalized with the materials they need to read and write and use community radio or other accessible channels with flexible learning structures that allow learning at the pace of the individual and ensure that girls are not excluded from the learning processes as they are disproportionately burdened by care activities and other chores in the home.
- The government of Mozambique should be encouraged to continue community sensitization actions on the importance of education for girls. Girls should also be prioritized in provision of scholarships to promote them within the education system.
- Eliminate sexual violence in schools including investigating and punishing perpetrators who commit such acts against girls.

#### **E. Mainstream gender to mitigate the impacts of COVID-19**

- Continue with consistent communication and integrate gender-responsive approaches to COVID-19 prevention messaging.
- Put in place and encourage partners to safeguard minimum conditions for COVID-19 prevention measures, including WAHS facilities and social distancing measures that ensure safety of students.
- Put in place an inclusive back-to-school campaign ensuring that all students (boys and girls alike) return to school. Girls (including pregnant girls and young mothers) and other marginalized children at risk of drop-out groups should be prioritized and ensure that school teachers and parents are trained in mental health and psychosocial support to assist children as they return to school.

#### **F. COVID-19 and harmful practices**

- Intensify awareness raising campaigns at community level to prevent early marriages or premature unions and unwanted teenage pregnancy. These initiatives should be vehicle through accessible channels such as community radios programs targeting children and youth and the content should be tailored to the target groups.
- Task district prosecutors with dissemination of the Child marriages Law and ensure that there is good coordination and sharing of information between prosecutors and the community as well as available referral mechanisms.
- Empower girls clubs and women's organisations to advocate against early marriages and unwanted pregnancies.
- Ensure the COVID-19 response and recovery plans and strategies will not generate or perpetuate harmful gender norms and inequalities.
- Carry out campaigns to bring all actors to recognize that certain negative social and cultural norms can influence women's/girls and men's/boys vulnerability and expose them to certain

infections/diseases.

**G. Economic empowerment and livelihoods support for women and girls**

- Provide food and other essential support (cash transfer, job creation and production inputs) for families struggling with income particularly those affected by natural disaster (such as cyclones), poverty and other hardships. Interventions should prioritise widows in need and single mothers (including young girls) facing hardship.