

Disrupting Harm

Evidence from 13 countries on the context, threats, and children's perspectives of online child sexual exploitation and abuse.

Detailed Analysis of Interviews with Government Duty Bearers

Mozambique

Last updated 22/06/21

This report is a summary of preliminary data collected for this research project. The perspectives contained herein represent the individuals interviewed and surveyed. Support from the Global Partnership to End Violence against Children does not constitute endorsement.

Introduction

Disrupting Harm: evidence to understand online child sexual exploitation and abuse (OCSEA), is a unique and collaborative research partnership between ECPAT International, INTERPOL, and UNICEF Office of Research – Innocenti. Leveraging their specific expertise, each partner sheds light on separate but interconnected areas: context, threats and children’s perspectives on online child sexual exploitation.

- Context by ECPAT International through portraying laws & policies in action;
- Threat by INTERPOL through the collection of crime and other data;
- Children’s voices by UNICEF Office of Research - Innocenti through surveys with children and their caregivers.

The countries of focus in Southern and Eastern Africa region are: Ethiopia, Kenya, Mozambique, Namibia, South Africa, Tanzania, and Uganda. The countries of focus in the Southeast Asian region are: Cambodia, Indonesia, Malaysia, Philippines, Thailand, and Vietnam.

Research took place between 2019 and 2021. Up to nine separate research activities were undertaken in each country by the three project partners. Preliminary analysis for each activity was first conducted before the results across all the nine activities were consolidated into each national country report. These can be found [here](#).

This report is the preliminary analysis conducted by ECPAT International of interviews conducted with an identified sample of government duty bearers whose mandates include addressing online child sexual exploitation and abuse at a national level. The aim of interviews was to identify emerging issues and trends, recent progress and upcoming plans and priorities in Mozambique’s current legislative and policy environment. In Mozambique, 11 interviews with a total of 11 participants were conducted.

ID Number	Ministry/Government Agency	Position
RA1-MZ-01-A	National Institute of Communications of Mozambique, Mozambique Communications Regulatory Authority, Ministry of Transport and Communications	Head of the Information Systems Office
RA1-MZ-02-A	General Prosecutor 's Office	Deputy Attorney General of the Republic
RA1-MZ-04-A	Office of Women and Child Care, Ministry of Interior	Head of the Office of Victim Support

RA1-MZ-05-A	Ministry of Gender, Children and Social Action	
RA1-MZ-06-A	Ministry of Science and Technology, Higher Education and Professional Technician	Director of Information Systems, Studies and Projects
RA1-MZ-07-A	Ministry of Transport and Communications	Member of the National Reference Group for the Protection of Children and Combating Trafficking in Persons
RA1-MZ-09-A	Ministry of Justice, Constitutional and Religious Affairs	Responsible for cross-cutting issues
RA1-MZ-09-B	Department for the Promotion of Human Rights, Ministry of Justice, Constitutional and Religious Affairs	Responsible for the Humans Rights Promotion Department
RA1-MZ-10-A	National Institute of Information and Communication Technologies	Legal expert
RA1-MZ-11-A	National Human Rights Commission	Children, Elderly and Women Focal Point Commissioner
RA1-MZ-12-A	National Criminal Investigation Service	Focal Point for Anti-Traffic in Person and Child Protection

Public awareness of the threat of OCSEA

Most of the 11 respondents confirmed that public awareness of online child sexual abuse and exploitation (OCSEA) was not sufficient among the general public (i.e. children, parents and teachers) but also among professionals working in the field of child protection. It was recommended by one respondent as a first step to develop educational materials on OCSEA and properly disseminate them.

“What I see as a big challenge is that, while we don’t increase the awareness of this crime to those who are supposed to deal with these issues, we will always have the challenge of these issues being neglected. So, it would be very important to, whenever there is the opportunity, to talk about or develop documents that allow clarifying people” (RA1-MZ-01-A, Head of the Information Systems Office, National Institute of Communications of Mozambique, Mozambique Communications Regulatory Authority, Ministry of Transport and Communications).

It’s evident that duty bearers were witnessing a growing risk to children, but they also indicated that those people around children were generally ill-prepared to understand and communicate risks and solutions: *“I think that children who use electronic devices, who use social media such as WhatsApp and others, and who are not aware or who have not been prepared for that by their parents or teachers, face more risks of being sexually harassed by other people”* (RA1-MZ-06-A, Director of Information Systems, Studies and Projects, Ministry of Science and Technology, Higher Education and Professional Technician).

The respondent from the General Prosecutor’s Office confirmed this trend: *“Currently these children spend a lot of time in the social media, in the Internet and not always their parents or tutors know what types of contacts these children have in this virtual world”* (RA1-MZ-02-A, Deputy Attorney General of the Republic, General Prosecutor’s Office).

The representative from the Ministry of Justice, Constitution and Religious Affairs also indicated that children don’t have the capacity to measure the risks they might face while using the Internet. *“It is now a “fashion” for every child to have a smartphone and they don’t know how to use these technologies properly. The most vulnerable groups are these children who live in the major cities. (...) Children don’t know, they lack judgmental capacity to select what is positive and what is negative. So, they end up by selecting all and as a result of this they are subject to online exploitation”* (RA1-MZ-09-A, Responsible for cross-cutting issues, Ministry of Justice, Constitutional and Religious Affairs).

One respondent indicated that public awareness on child online safety and the use of social media had increased during the COVID 19 pandemic. *“Before the pandemics we would do awareness campaigns related sexual violence to families, parents and caregivers to be able to identify signs that children could have if they were in such a situation. Meanwhile, since the pandemics started we have been intensifying the topic of online sexual violence because of the exposure that children have now due to the broad use of Internet to study and keep in touch with family”* (RA1-MZ-05-A, Ministry of Gender, Children and Social Action).

Few respondents mentioned awareness-raising activities in schools that were linked with some manifestations of OCSEA. One participant from the National Criminal Investigation Service mentioned the occurrence of an awareness-raising activity on sexual abuse and the use of social media in one school. Whilst another mentioned awareness-raising programmes in schools, it was not done on OCSEA broadly but instead on online child trafficking for the occasion of the World Day Against Trafficking. The same respondent also indicated that the General Prosecutor's Office has been carrying out prevention programmes and awareness raising with religion-based organisations on online child trafficking.

"We have conducted one debate at Josina Machel Secondary School. If my memory serves me right, it was two years ago, together with the General Prosecutor's Office. The topic of this debate was sexual abuse and social media. We spoke about social media and this topic was included" (RA1-MZ-12-A, Focal Point for Anti-Traffic in Person and Child Protection, National Criminal Investigation Service).

Beyond this example, other respondents noted that very little work broadly addressing OCSEA has been undertaken, though they provided some isolated examples where the topic would have been touched on. This indicates that the issue is live in the community, just not yet being adequately addressed.

"We haven't started working specifically on the issue of online child abuse but one year ago we did a prevention work at national level related to online child trafficking. We did this work mainly in schools to call the attention of the youth and adolescents to the fact that social media have a positive side but they can also be used by child abusers, traffickers and pedophiles especially nowadays where most of our communication is through Internet and social media" (RA1-MZ-02-A, Deputy Attorney General of the Republic, General Prosecutor 's Office).

One respondent from the National Institute of Information and Communication Technologies indicated that initiatives from telecommunication companies have been taken on OCSEA. *"Vodacom, Mcel and Movitel have been conducting not only debates but disseminating information on this topic [OCSEA], as well. Well, there are some advertisements on radio, TV from these mobile telecommunication companies. They have been doing this for more than five years now"* (RA1-MZ-10-A, Legal expert, National Institute of Information and Communication Technologies). However, no examples of this work were able to be identified, nor mentioned by other participants.

It was highlighted by six respondents that newspapers would bring attention to cases of offline sexual exploitation and to cases of child, early and forced marriages but rarely, if ever, to OCSEA cases. *"If I were to compare what I see on newspaper and what I hear on the radio, I would say that there is a lot of information on physical sexual abuse perpetrated by relatives, neighbours and other people but I don't hear much about this kind of abuse on social media"* (RA1-MZ-06-A, Director of Information Systems, Studies and Projects, Ministry of Science and Technology, Higher Education and Professional Technician).

“I don’t remember any specific case of abuse using phones that was reported by the press, but the dangers are constantly reported” (RA1-MZ-05-A, Ministry of Gender, Children and Social Action).

A distinction between children from rural areas and those from urban areas was made. The respondent from the Ministry of Justice, Constitutional and Religious Affairs, indicated that she believed children from urban areas would be more affected by OCSEA cases due to having more access to the Internet and thus being at greater risk.

“This phenomenon of online exploitation occurs more in major cities because children there have access to smartphones and access to the Internet” (RA1-MZ-09-A, Responsible for cross-cutting issues, Ministry of Justice, Constitutional and Religious Affairs).

This difference was also highlighted by the respondent from the National Human Rights Commission when it comes to awareness-raising. *“We start seeing such programs in schools because basically most of them are working in an online system and they already have this component of prevention. But this is not for all areas. There are certain areas where this is not discussed yet but in urban areas this discussion has already started” (RA1-MZ-11-A, Children, Elderly and Women Focal Point Commissioner, National Human Rights Commission).*

Government Ministries/Agencies

In Mozambique, several government agencies hold a mandate on child protection. With OCSEA being a cross cutting issue, those agencies are all interdependent and a strong cooperation between them should be established, whether for the promotion and coordination of the different programmes, legal protection, access to justice, reintegration services for victims as well as awareness-raising programmes. According to participants, the main ones having a clear mandate on child protection are:¹ the General Prosecutor's Office², the Ministry of Gender, Child and Social Welfare³ and, the Family and Minor Victim of Violence Help-desk under the Ministry of Interior.⁴ Regarding the investigation of criminal cases related to children, the National Criminal Investigation Services is responsible for collecting the evidence and coordinating with other governmental agencies.⁵ According to the participant from the Ministry of Justice, Constitutional and Religious Affairs, the ministry supports child protection in terms of awareness.⁶ Finally, The National Human Rights Commission monitors the implementation of child rights within the territory.⁷

When facing OCSEA, it is also important to focus on regulating the information and communication technologies (ICT) and cyber-security. In Mozambique, although the Communications Regulatory Authority (INCM) does not have a proper mandate on child protection, the authority is responsible for developing laws on telecommunications and cyber-security.⁸ As indicated by the participant, the authority has the obligation to cooperate when requested by any other governmental agency. The use of information and communication technologies (ICT) and the promotion of the regulations on cyber-security are overseen by the Ministry of Science and Technology, Higher Education and Professional⁹ and the National Institute of Information and Communication Technologies – INTIC.¹⁰

Although most of the departments mentioned by the participants have a specific unit working on child protection, or a specific programme on child protection, none of them have a specific unit dealing with OCSEA nor a clear mandate in addressing OCSEA. For example, the respondent from the Ministry of Gender, Children and Social Action said: *“We do have two departments, one is the Child Development Department where we deal with the designing and framing of child protection issues in a broad manner and there is another department which deals with children in vulnerable situations because it is*

¹ The [Ministry of Education and Human Development](#), the [Maputo City Court of Minors](#) and the [Ministry of Health](#) have been mentioned by participants but no professionals from those government agencies have been interviewed.

² [General Prosecutor's Office](#)

³ [Ministry of Gender, Children and Social Action](#)

⁴ [Ministry of Interior](#)

⁵ National Criminal Investigation Service

⁶ [Ministry of Justice, Constitutional and Religious Affairs](#)

⁷ [National Human Rights Commission](#)

⁸ [Communications Regulatory Authority](#)

⁹ [Ministry of Science and Technology, Higher Education and Professional Technician](#)

¹⁰ [National Institute of Information and Communication Technologies](#)

necessary to develop specific plans to address them. (...) Cases of child violence are dealt with in a broad manner with no distinction of victims of online sexual abuse” (RA1-MZ-05-A, Ministry of Gender, Children and Social Action).

Another example was given by the participant from the National Criminal Investigation Service, where there is only one department mandated to deal with all types of abuses.

“There is no specific unit to deal with this area specifically but there is a department that deals with all kinds of abuses involving children and adults” (RA1-MZ-12-A, Focal Point for Anti-Traffic in Person and Child Protection, National Criminal Investigation Service).

Although it seems that there is a consensus among participants on which agencies have a designated mandate to deal with child protection, it appears that there isn't a designated leading body to coordinate the strategy, policies and awareness activities on OCSEA. The respondent from the National Criminal Investigation Service pointed out that the strategies and the activities related to OCSEA in Mozambique included a range of governmental institutions but noted regret at the lack of a leading body to coordinate and monitor all of them.

“This topic is not addressed by a single institution. There are several entities involved in these situations, from the Police of the Republic of Mozambique, SERVIC [National Criminal Investigation Service], the General Prosecutor’s Office, the Ministry of Gender, Child and Social Welfare, Ministry of Justice, Constitutional and Religious Affairs, Ministry of Technology and Higher Education, Technical and Vocational, the Secretary of Sports and Youth. I believe that each of these institutions has been developing some activities which I can’t name because there is no coordinating body on these issues” (RA1-MZ-12-A, Focal Point for Anti-Traffic in Person and Child Protection, National Criminal Investigation Service).

The General Prosecutor’s Office and the Ministry of Gender, Children and Social Action were mentioned by eight participants as the main governmental institutions responsible for child protection and who should thus hold responsibilities for OCSEA. For instance, the respondent from the Ministry of Justice, Constitutional and Religious Affairs mentioned that the General Prosecutor’s Office was the main leading body when it comes to child protection: *“The entity dealing with these issues is the PGR [General Prosecutor’s Office]. They are the ones who have the responsibility to protect children from OCSEA. The General Prosecutor’s Office is the one leading this process. We support them in terms of awareness” (RA1-MZ-09-A, Responsible for cross-cutting issues, Ministry of Justice, Constitutional and Religious Affairs).*

The respondent from the Ministry of Interior agreed with this vision: *“The national child protection body is the General Prosecutor’s Office, and in terms of the bylaws, this body is responsible for the protection of children and incapable people” (RA1-MZ-04-A, Head of the Office of Victim Support, Office of Women and Child Care, Ministry of Interior).*

From another perspective, the respondent from the General Prosecutor 's Office didn't consider the General Prosecutor's Office as the main body, but instead pointed out the role of the Ministry of Gender, Children and Social Action as an executive body.

“I don't know if we are the main body. I don't know if this would be an appropriate reflection. What we have is a mandate arising from the law, from the Constitution of the Republic and from our organic law that states that the General Prosecutor's Office has the mandate to protect minors. There are also other institutions that have this mandate of child and minor's protection. These are the government's first line bodies. The Ministry of Gender, Child and Social Welfare has this mandate as an executive body” (RA1-MZ-02-A, Deputy Attorney General of the Republic, General Prosecutor 's Office).

Furthermore, one participant indicated that, in 2015, the government added to the Ministry of Gender, Child and Social Welfare the child component, hence giving to this ministry the responsibility of a vertical coordination between all the competent governmental institutions regarding child protection.

Finally, according to two respondents, in 2019 the National Social Welfare Council was established (previously the National Council for Child), chaired by the Prime-Minister, and within it technical commissions and a Technical Council on Child Rights. This Technical Council on Child Rights coordinates all the interventions from partners, civil society, private sector and government institutions working for the protection of child rights. However, it currently only operates down to the provincial level. At the district level, technical working groups are set up and chaired by the Ministry of Gender, Children and Social Action. The respondent from the Ministry of Gender, Children and Social Action acknowledged that child protection was a cross-cutting issue, involving various governmental institutions, and that it was necessary to develop multi-sectoral strategies for child protection and to have a coordinating body such as the National Social Welfare Council.

Four participants indicated that there is a good level of cooperation between the different institutions dealing with child protection when it comes to the elaboration of strategies and laws. For example, the Director of Information Systems, Studies and Projects within the Ministry of Science and Technology, Higher Education and Professional Technician mentioned that, because information and communication technologies and child protection were cross-cutting issues, there was strong cooperation such as consultations between institutions during the elaboration of the National Policy on Cyber-Security. One participant mentioned that this good cooperation is due to a legal requirement and not just based on the willingness of the people. *“This is the basis for cooperation, which means that during the development of the legislation on this specific case, there are consultations, there is joint work that is conducted with different interested sectors”* (RA1-MZ-06-A, Director of Information Systems, Studies and Projects, Ministry of Science and Technology, Higher Education and Professional Technician).

The respondent from the National Institute of Information and Communication Technologies also

explained how the collaboration in the drafting of new laws and regulations was done by sharing the drafted documents to the relevant ministries. *“What I can tell you is that when we draft a certain law or regulation, we always submit this document to related institutions. For this case I am talking specifically of the Ministry of Women and Social Welfare, that already has a component that is more linked to children, the Ministry of Justice that also has an active role and the Criminal Investigation Services, apart from the General Prosecutor’s Office”* (RA1-MZ-10-A, Legal expert, National Institute of Information and Communication Technologies).

All ten respondents mentioned that the governmental institutions have been working with non-governmental organisations to develop prevention programmes, to draft legislation, or to be trained by them on different topics such as human trafficking and child protection. However, none worked with NGOs to raise awareness on OCSEA. One respondent from the National Criminal Investigation Service indicated that non-governmental organisations should also engage more with governmental institutions. Another stated that non-governmental organisations should support the government to understand the scope of the issue.

“Because these NGOs do their work, develop their reports but sometimes they forget to consult with the main State body and work on these issues. Thus, the information they collect will not be reliable” (RA1-MZ-12-A, Focal Point for Anti-Traffic in Person and Child Protection, National Criminal Investigation Service).

From the interviews, it became clear that, although some prevention programmes have taken place regarding general sexual abuse and sexual exploitation of children, the online component is not yet being included as part of the discussion and strategies. For instance, the respondent from the National Human Rights Commission said: *“There is some work that is done at community level such as talks with children themselves, awareness campaigns so that children will not accept harassment. (...) But it is necessary to include this online component as well. (...) We should not limit ourselves only to general issues but we should also include an ICT component”* (RA1-MZ-11-A, Children, Elderly and Women Focal Point Commissioner, National Human Rights Commission).

As well as five other participants, the respondent from the Ministry of Gender, Children and Social Action indicated that no prevention programmes on OCSEA are implemented within their ministry. No mention of prevention programmes for perpetrators has been done. *“However, the issue of online sexual violence is not part of our strategies, including the National Child Action Plan”* (RA1-MZ-05-A, Ministry of Gender, Children and Social Action).

Some respondents mentioned the difficulty for them to understand the magnitude of the problem due to the lack of tools and mechanisms to collect data relevant to OCSEA by governmental ministries and agencies. It was also reported that when reporting or investigating cases, law enforcement agencies do not classify their cases as OCSEA, as mentioned by some participants an ‘indicator on OCSEA’ is not included in the reporting system yet. Respondents noted that OCSEA cases are mostly treated and reported as cases of physical sexual abuse or human trafficking, and not as a separate

topic, making the data collection and the understanding of the scope of the issue even harder.

“We do have an indicator which is the number of children or the number of crimes against the sexual freedom of minors but we usually don’t have information regarding the means, whether it was online, or [whether it involved] grooming. We usually don’t have this information. (...) They are reported as sexual abuse. Now, hardly we will have information on how it really happened. We might have this information while talking with the victim or the family. Only after talking with them, we understand how it happened but this is not an indicator in relation to which, currently, we collect information. They come as victims of violence or sexual abuse” (RA1-MZ-05-A, Ministry of Gender, Children and Social Action).

The same observation was made by the participant from the National Human Rights Commission: *“when it comes to statistics on sexual exploitation of children in prostitution, cases are often linked to trafficking”* (RA1-MZ-11-A, Children, Elderly and Women Focal Point Commissioner, National Human Rights Commission).

However, one respondent from the Ministry of Interior mentioned that a new database was being developed with support from a European fund, Spotlight Initiative.¹¹ The fund assists the ministry to develop a database called info-violence that will include an OCSEA indicator. Currently, the pilot phase is underway but constraints related to the Internet connection and the platform itself have been identified. Furthermore, the platform doesn't yet cover all the provinces or districts in Mozambique. The respondent stressed the importance of strong cooperation from all relevant governmental institutions to use this platform once it is operational and to take action based on the findings.

“It should also be noted that for us to have this indicator, it is important for the government to assume it. With this I mean the Ministry of Gender, Child and Social Welfare as the Ministry responsible for the coordination of child related activities. It is not enough for the Ministry of Home Affairs, for the police to bring in this indicator because it has to be in line with what the government intends to do. We might even start but if this indicator is not adopted at the coordination level, then it might be meaningless. It’s important to have assistance from the Statistics Institute in terms of providing indicators and to put pressure on other government institutions, including the police, to buy-in these indicators” (RA1-MZ-04-A, Head of the Office of Victim Support, Office of Women and Child Care, Ministry of Interior).

Although it has been mentioned that trainings are carried out on the topics of child protection and sexual abuse, the majority of the respondents pointed out the absence of training on OCSEA at all levels, leading to a lack technical capacity of dealing with cases of OCSEA.

“We have never had a detailed training on the use of these means for the practice of crimes against the sexual freedom of minors. However, we know that this happens. So far we have been using the

¹¹ The Spotlight Programme in Mozambique operates in three provinces and at the central level and focuses on sexual and gender-based violence, early marriage (with linkages to the eradication of harmful practices) and sexual and reproductive health rights.

legislation in a broader manner but we have never had a specific training on these practices, on this form of violence against children. The same can be said for the district levels because we are the ones conducting the training and we deal with violence in a broad manner, without distinguishing if it is online or other form” (RA1-MZ-05-A, Ministry of Gender, Children and Social Action).

The participant from the Ministry of Justice, Constitutional and Religious Affairs confirmed that training had been done within the ministry but only on child protection and sexual abuse. *“Recently, or last year if my memory serves me right, some colleagues attended a meeting at PGR [General Prosecutor’s Office], on these issues of child protection and sexual abuse”* (RA1-MZ-09-A, Responsible for cross-cutting issues, Ministry of Justice, Constitutional and Religious Affairs).

More expert supported training on OCSEA, as well as on the use of the Internet was recommended by the respondent from the National Human Rights Commission. *“There should be more training of the staff from the health, education and social welfare sectors in order to create well-being of the children and understand the increasing risk of the frequent use of the Internet”* (RA1-MZ-11-A, Children, Elderly and Women Focal Point Commissioner, National Human Rights Commission).

Budget

None of the participants mentioned a clear budget breakdown or specific spending levels for child protection. It appears that most of the government agencies don’t have a specific budget dedicated to child protection such as the Ministry of Justice, Constitutional and Religious Affairs or the National Criminal Investigation Service. Often, a general budget is allocated to the ministry, which is then distributed to the different programmes.

“General Budget is allocated to this Directorate and from this general budget we have to divide it to the different programs existing at the level of the directorate. We don’t have yet a specific budget that allocated children for issues related to child protection” (RA1-MZ-09-A, Responsible for cross-cutting issues, Ministry of Justice, Constitutional and Religious Affairs).

As confirmed by the participant from the National Criminal Investigation Service, all respondents indicated that so far, no budget is allocated by the government to specifically address OCSEA as it is not seen as a priority yet. *“As far as I am aware, as a SERNIC [National Criminal Investigation Service] representative, there is no specific budget for children or online related issues”* (RA1-MZ-12-A, Focal Point for Anti-Traffic in Person and Child Protection, National Criminal Investigation Service).

The respondent from the Ministry of Justice, Constitutional and Religious Affairs highlighted that the lack of budget was a real challenge in fighting OCSEA: *“The other main challenge is budget scarcity. This is also one of the main Achilles heel in relation to the achievement of progress in fighting these crimes”* (RA1-MZ-09-A, Responsible for cross-cutting issues, Ministry of Justice, Constitutional and Religious Affairs).

According to the respondent from the National Human Rights Commission, governmental institutions

have not reached the minimum target of 15% of their budget that should be dedicated to child protection. *“(...) This is to say that we haven’t yet overcome the target of 15% in any of the sectors because we think that this is the minimum for child protection.”* (RA1-MZ-11-A, Children, Elderly and Women Focal Point Commissioner, National Human Rights Commission).

One respondent mentioned that the different levels of spending per department increased inequality over the years. However, the respondent also mentioned a raise of budget for three ministries having a mandate on child protection, without giving any specifications. *“The last year in which an analysis was conducted was 2018 (...) we have noticed that the budget for the sector has been growing in an unequal manner. There are sectors in which the budget may grow and others in which the budget may decrease on an annual basis. However, from 2015 to 2018 we found out a 4% increase considering all the sectors, including education, health, home affairs, social action and labour”* (RA1-MZ-05-A, Ministry of Gender, Children and Social Action).

Policies and Laws

In 2015, Mozambique’s criminal law underwent a major change with the entry into force of Law No. 35/2014 on the Revision of the Penal Code. However, it fails to comprehensively criminalise all manifestations of OCSEA. The Mozambican legislation does not criminalise knowingly obtaining access to child sexual abuse material nor attending pornographic performances involving children. Moreover, there is no legislation that explicitly includes OCSEA-related offences such as attending the live streaming of child pornographic performances, online grooming, sexting, sexual extortion or online sexual harassment. Finally, the Penal Code does not prohibit all forms of advertising or promoting OCSEA-related offences.

The main laws and policies on child protection in Mozambique mentioned by the participants are as follows:

- Constitution of the Republic of Mozambique;¹²
- Penal Code Revision Law - Law No. 35/2014;¹³
- Law No. 7/2008 on the Protection and Promotion of Children's Rights;¹⁴
- Law No. 6/2008 on Human Trafficking;¹⁵
- Law No. 15/2012 on Mechanisms for the Protection of Rights and Interests of Victims, Witnesses, Whistleblowers or Experts in Criminal Proceedings;¹⁶
- Penal Procedure Code of Mozambique;¹⁷
- Law on electronic transactions;¹⁸
- National Cybersecurity Strategy of Mozambique 2017 – 2021 and National Policy on Cyber-Security;¹⁹
- National Child Action Plan 2013 – 2019;²⁰
- National Broadband Strategy 2017 – 2025.²¹

Four respondents indicated that the current laws don't cover all the manifestations of OCSEA and that there is no specific regulation for OCSEA. One participant from the National Human Rights Commission mentioned that the penalty for child sexual abuse material-related offences criminalised by the Penal Code should be more severe. In terms of penalties, the national legislation provides prison sentences

¹² Government of Mozambique. (2004). [Constitution of the Republic of Mozambique](#).

¹³ Government of Mozambique. (2014). [Penal Code Revision Law - Law No. 35/2014](#).

¹⁴ Government of Mozambique. (2008). [Law No. 7/2008 on the Protection and Promotion of Children's Rights](#).

¹⁵ Government of Mozambique. (2008). [Law No. 6/2008 on Human Trafficking](#).

¹⁶ Government of Mozambique. (2012). [Law No. 15/2012 on mechanisms for the protection of rights and interests of victims, witnesses, whistleblowers or experts in criminal proceedings](#).

¹⁷ Government of Mozambique. (2019). [Law revising Penal Procedure Code- Law No. 25/2019](#).

¹⁸ Government of Mozambique. (2017). [Law No. 03/2017 on electronic transactions](#).

¹⁹ Government of Mozambique. (2017). [National Cybersecurity Strategy of Mozambique 2017 – 2021](#), (translated from Portuguese).

²⁰ Government of Mozambique. (2012). [National Child Action Plan 2013 - 2019](#), (translated from Portuguese).

²¹ Ministry of Transport and Communication. (2017). [National Broadband Strategy 2017 - 2025](#), (translated from Portuguese).

that range between two to eight years.²²

No mention of any upcoming, new legislation was made. *“There is no specific regulation for online child protection, related to these issues”* (RA1-MZ-01-A, Head of the Information Systems Office, National Institute of Communications of Mozambique, Mozambique Communications Regulatory Authority, Ministry of Transport and Communications).

The respondent from the Ministry of Gender, Children and Social Action specified that, not only does the law not specifically address OCSEA, but also the strategies, plans and reports don’t include the issue. *“Our strategies, laws, plans and reports too don’t address online sexual abuse in a differentiated manner. These documents address the issue of violence against children, sexual violence in a broad manner. This is how we address it. Online sexual violence is not addressed specifically in our working plans”* (RA1-MZ-05-A, Ministry of Gender, Children and Social Action).

However, it was also mentioned that progress has been made in the past years regarding the legislation on OCSEA, with the revision of the Penal Code which criminalising some of its manifestations . The revised Penal Code criminalises whoever uses or lures a child into participating in a “pornographic performance” or for “pornographic purposes”, including pictures, movies, recordings or any other support, and whoever possesses, obtains, distributes, imports, exports, displays or transfers child sexual abuse material, in any capacity or by any means.²³

“Our Penal Code is very detailed on the punishment for these actions. We should congratulate them because lawmakers have included the punishment for actions such as child pornography and others” (RA1-MZ-12-A, Focal Point for Anti-Traffic in Person and Child Protection, National Criminal Investigation Service).

Regarding strategies and policies related to OCSEA in Mozambique, in early 2018, it was expected that the National Strategy on Cyber Security 2017 – 2021 and the National Policy on Cyber Security would be adopted.²⁴ The National Cybersecurity Strategy of Mozambique (2017 – 2021) recognises the government’s responsibility in protecting children and other vulnerable groups from cyber bullying, sexual solicitation and grooming, pornography and other harmful content online. It also included the specific objective of strengthening Mozambique’s legal and regulatory frameworks to enhance cybersecurity and combat cybercrime.²⁵ However, in November 2019, the vice-president of the Confederation of Economic Associations of Mozambique called on the government to prioritise the elaboration and adoption of the National Policy on Cyber Security.

One respondent noted that discussions were reported to have determined that a proposed policy

²² Government of Mozambique. (2014). [Penal Code Revision Law - Law No. 35/2014](#). Article 226.

²³ Government of Mozambique. (2014). [Penal Code Revision Law - Law No. 35/2014](#). Article 226.

²⁴ Mozambican Association of ICT Professionals and Companies. (2018). [News Bulletin – May 2018](#) (translated from Portuguese)

²⁵ Government of Mozambique (2017), [National Cybersecurity Strategy of Mozambique 2017 – 2021](#), (translated from Portuguese)

would ascertain:

- the establishment of a National Observatory on Cyber-security with the objective of collecting information on cyber-crimes including OCSEA crimes;
- the revision and harmonisation of the existing legal framework of the country to include issues related to cyber-security crimes, to include issues related to OCSEA;
- the establishment of a national mechanism for the promotion, sharing and coordination of cyber-security related issues;
- the signing of mutual legal cooperation agreements on cyber-security with other countries;
- the development of filtering and removal mechanisms of illegal content, including the removal of information related to OCSEA;
- the development of capacity building programs so that they can deal with incidents of cyber-crimes, including OCSEA;
- the reviewing and updating of the curricula at primary, secondary and higher education level in order to include issues of cyber-security and also allow the professionalisation of national staff in cyber-security related issues, including OCSEA.

The National Policy on Cyber-security could be one of the solutions to improve the current OCSEA-related policies in Mozambique. However, the government does not seem to be prioritising its adoption as, despite the planned period for the policy (2017-2021) almost being over, the policy has still not been finalised. One respondent confirmed that the strategy had been drafted but was not yet approved. However, in the course of researching for this project there was no publicly available draft for review.

“The national strategy on cyber security hasn’t been approved yet. It was drafted, presented, proposed but it was not approved yet. So, currently there is nothing on this. We only have the bill” (RA1-MZ-01-A, Head of the Information Systems Office, National Institute of Communications of Mozambique, Mozambique Communications Regulatory Authority, Ministry of Transport and Communications).

The participant from the National Institute of Information and Communication Technologies also confirmed that both the policy and the strategy were not approved yet: *“The policy and its implementation strategy haven’t been approved yet”* (RA1-MZ-10-A, Legal expert, National Institute of Information and Communication Technologies).

None of the participants could give a precise date for the adoption of the strategy. The respondent from the Ministry of Justice, Constitutional and Religious Affairs recommended advocating for the strategy and policy to be approved and implemented as soon as possible.

There is a now outdated National Child Action Plan 2013-2019, that has been developed with the participation of civil society organisations and children themselves through the child parliament, but it doesn't include OCSEA. In the course of this research no information was discovered about the development or implementation of a new child action plan. The respondent from the National Human Rights Commission mentioned that there isn't a specific strategy on OCSEA but recommended that

any new national child action plan should include this topic.

“In all of our working strategies, namely the PNAC (National Child Action Plan) which has clear targets, the government’s five year plan, which is the government’s five year planning tool and our annual work plan clearly establishes the number of sections, who is involved but to prevent any form of sexual abuse of minors and not online only. There is no a clear indicator on online sexual abuse. The indicator that we have in our planning documents in sexual abuse” (RA1-MZ-05-A, Ministry of Gender, Children and Social Action).

The respondent from the National Human Rights Commission pointed out that the current COVID situation makes the need to regulate and include OCSEA in the new national child action plan even more crucial and urgent. *“We don’t have yet a strategy on online sexual abuse. (...) Under these circumstances I do believe that the new plan will have this component on online abuse because it is a reality and during this time of COVID, with people being confined and using computers more, it is clear that the plan must bring some strategy to fight online sexual abuse” (RA1-MZ-11-A, Children, Elderly and Women Focal Point Commissioner, National Human Rights Commission).*

Concerning child participation in public decision-making processes, several respondents mentioned the lack of inclusion when it comes to the drafting of laws and policies. One respondent from the Ministry of Justice, Constitutional and Religious Affairs certified that children were involved in the drafting process of the National Policy and the National Strategy on Cyber-security. However, the member of the National Reference Group for the Protection of Children and Combating Trafficking in Persons said the opposite and thought that it would be a great idea to include them in the consultations. On a more general note, two participants mentioned that it would be interesting and inclusive to consult children while drafting strategies and laws.

“There is always a mechanism in drafting these laws and tools which create a platform for the engagement of everybody. For instance, specifically on the strategy, I was leading this process. We worked a lot with organisations linked to women and children protection. All of these were involved and followed the process closely, however during the process they did not specifically advocate for child related issues. I think it would have been a good opportunity to have in the law or in the strategy something very focused on child issues” (RA1-MZ-01-A, Head of the Information Systems Office, National Institute of Communications of Mozambique, Mozambique Communications Regulatory Authority, Ministry of Transport and Communications).

The respondent from the Ministry of Science and Technology agreed with the above sentiment: *“This is an interesting question, and a lesson learned. Maybe what we did was to engage the Ministry of Education, engage the Ministry of Gender, Child and other NGOs that work with the group. We thought that we were being inclusive but I don’t recall conducting consultations with children” (RA1-MZ-06-A, Director of Information Systems, Studies and Projects, Ministry of Science and Technology, Higher Education and Professional Technician).*

Data retention and preservation laws are important when fighting OCSEA, in order to require all service providers to store traffic data of subscribers generated by the use of Information and Communications Technology (ICT). Service providers should keep this information available to the competent authority in case it is necessary for an investigation. No provisions on data retention and preservation laws and procedures that follow the best interests of the child are implemented in Mozambique. Furthermore, no legal provisions require Internet service providers to report suspected child sexual abuse material to the relevant law enforcement agencies and there is no legislation in place for cyber cafes owners to report and prevent cases of OCSEA.

Two participants from the Ministry of Justice, Constitutional and Religious Affairs, and the National Institute of Information and Communication Technologies indicated that a bill, 'Internet Users and Providers Regulation Bill',²⁶ was being developed regarding the reporting, retention and preservation of data from Internet service providers. However, no clear information was uncovered during this research about when the regulation would be implemented.

“There is a bill of regulation which is not approved yet. We believe that probably in the coming three weeks or in the coming month it will be approved. This document already reflects the issue of obligation of Internet service providers to report to the Regulatory Body, INTIC, if there is any aspect related to child abuse. They have to report not only to INTIC but also to the General Prosecutor’s Office” (RA1-MZ-10-A, Legal expert, National Institute of Information and Communication Technologies).

The participant from the Ministry of Justice, Constitutional and Religious Affairs, confirmed the existence of the bill, without mentioning any clear timeline on its implementation. *“In relation to this question [obligation to retain and preserve digital evidence] what I can tell you is that we are now developing a program in coordination with the colleagues from the IT department so that we can have a kind of observatory to manage this kind of information. Currently we don’t have anything planned” (RA1-MZ-09-B, Responsible for the Humans Rights Promotion Department, Department for the Promotion of Human Rights, Ministry of Justice, Constitutional and Religious Affairs).*

²⁶Confederação das Associações Económicas de Moçambique. (n.d.). [PROPOSAL FOR THE REGULATION OF INTERNET PROVIDERS AND USERS: Private Sector advocates harmonisation with other existing national and international legislation](#) (translated from Portuguese).

Law Enforcement

No respondent mentioned the existence of special law enforcement units to address OCSEA. Respondents indicated that the General Prosecutor’s Office, the Minor Court, the National Criminal Investigation Service and the police were the main law enforcement units specialised in investigating and prosecuting cases of child violence and abuses.

National cooperation between law enforcement agencies was mentioned by one participant from the National Criminal Investigation Service. He pointed out that cooperation between the different institutions dealing with child protection exists when it comes to the sharing of information during investigation, but that it is still one of the main challenges.

“There is coordination between institutions but this coordination is done on different occasions. Given the competence of each body, the institutions perform different tasks on different occasions. And these roles have to do with specific cases. But these institutions complement each other in the production of any evidence during the investigation or any related activity. Thus, at national level we do have this cooperation, either with the Police of the Republic of Mozambique, with the General Prosecutor’s Office and with other institutions from which SERNIC [National Criminal Investigation Service] intends to collect some evidence.’ (...) There is also the issue in the promotion of coordination between institutions. There should be a linkage between the different institutions and sharing of information. We have to insist on this cooperation. This is one of the main challenges” (RA1-MZ-12-A, Focal Point for Anti-Traffic in Person and Child Protection, National Criminal Investigation Service).

The lack of equipment and facilities to investigate cases of OCSEA, as well as the lack of training of the law enforcement authorities, were mentioned by the respondents. In its 2017 annual report to the Assembly of the Republic, the General Prosecutor’s Office stressed the need to build the capacity of the National Criminal Investigation Service staff when it comes to the criminal investigation of computer-related crimes.²⁷ One respondent from the Ministry of Science and Technology, Higher Education and Professional Technician underlined the incapacity of investigators to investigate proper cases of OCSEA due to a lack of technological tools or cyber-security forces.

“We are still developing tools and maybe our intervention structure is not prepared yet to detect and prevent these kinds of online abuses. And as you know, currently our defence and security forces are, mainly, analogical, i.e., the police still use traditional methods. (...) We don’t have yet a cyber-security force and if it exists, it might be very centralised. (...) but the issue might be there and we don’t have the necessary instruments to track and identify them. Most of the crimes we deal with are traditional crimes and not cyber-crimes. About a couple years ago I was working with somebody to collect data on cyber-crimes that occurred in the past five years. We only collected a few data not because these crimes don’t occur but maybe because they are not recorded. Only now the Penal Code that was

²⁷ General Prosecutor’s Office. (2017). [Annual report of the Attorney General to the Assembly of the Republic](#) (translated from Portuguese)

recently published includes issues on cyber-crimes in a more detailed manner than before but we think that it should be enhanced” (RA1-MZ-06-A, Director of Information Systems, Studies and Projects, Ministry of Science and Technology, Higher Education and Professional Technician).

Three respondents also mentioned that the majority of the officers are not trained to deal with cases of OCSEA and that there is a lack of proper equipment, human and financial resources. For instance, the participant from the National Criminal Investigation Service highlighted the lack of training of investigators, as well as the lack of adequate equipment, giving as an example that officers were sharing one desktop for six people.

“On this area of online children sexual exploitation, there is a huge gap. We don’t have a large number of colleagues who have been trained and who have skills on this issue.(...) The number of people specifically trained to deal with these issues is very small. I am working on this area and I know all the colleagues and some who work directly with these issues thus I can tell you that in terms of training this is the area with more gaps because we don’t have such training. We do not benefit from such training. (...) There is the need to have staff with appropriate training. For a person to be able to investigate online activities related to children, such a person must be trained. There is also the issue of appropriate equipment. These topics are not discussed in a room with 10, 15 or 5 people. There should be a limited number of people with access to this equipment and this information and these people should be trained and use specific equipment. Not with a desktop that is used by five or six people” (RA1-MZ-12-A, Focal Point for Anti-Traffic in Person and Child Protection, National Criminal Investigation Service).

One participant from the Office of Women and Child Care, under the Ministry of Interior, also pointed out that it was unusual to find an officer from the National Criminal Investigation Service or a police officer, who are the investigating bodies, with an institutional email or a work computer. This lack of means creates disincentives and situations that could lead to potential confusion during investigations, as the officer could be personally involved.

On a positive note, the participant from the General Prosecutor’s Office indicated that training was conducted last year for judges, prosecutors and investigators on cyber criminality, including OCSEA. However, once again, those trainings were not specifically on OCSEA, but rather the topic was included in a broader training on cybercrime.

In 2018, the Police of the Republic of Mozambique, the General Prosecutor’s Office, the Mozambique Communications Regulatory Authority, the organisation *Linha Fala Criança* and the Internet Watch Foundation (IWF) jointly established a new online portal for anyone to anonymously report child sexual abuse content.²⁸ This portal then reports feedback through to the IWF's Hotline in the UK to be analysed.

²⁸ Internet Watch Foundation (2018). [Mozambique takes vital step to remove online child sexual abuse from the internet by launching a public reporting system this Safer Internet Day.](#)

However, one respondent from the Mozambique Communications Regulatory Authority indicated that no information has been received directly by this Ministry, as the reports are first addressed by an IWF team in the UK. The same participant also indicated the lack of public promotion by the government about this new portal and recommended to develop a system not only based on the Internet. Another participant from the General Prosecutor's Office indicated that discussions were ongoing to enhance the information collected through this reporting portal and improve the coordination between the relevant bodies.

"The portal [de denúncias] is specifically for online child violence. Nevertheless we haven't received any complaint yet but it has the capacity to generate such a report one of the things missing is dissemination for a wider use. And maybe the way in which was developed, because it is 100% web based. Maybe if it was something like a call centre or a SMS platform, maybe it would cover more people and we would have better outcomes, but not today. And also because of the way it works. This is, a complaint is made and this complaint is reported to a team that it is not in the country" (RA1-MZ-01-A, Head of the Information Systems Office, National Institute of Communications of Mozambique, Mozambique Communications Regulatory Authority, Ministry of Transport and Communications).

Six respondents indicated that there are various complaints mechanisms and hotlines to report child abuses, such as the child helpline 116 from the organisation *Linha Fala Criança*. At the community level reports can be made via the District Services of the Health, Woman and Social Welfare Department, the police stations and the hotline 112. Lastly, at the national level, reports can be made to the family and minors victims of violence help-desks, but they are not accessible in all communities.

Nine out of eleven participants reported that no monitoring mechanisms existed to identify the situation of OCSEA in Mozambique, which makes it difficult to understand the dimension of the problem. However, some participants mentioned that some governmental institutions have a monitoring system gathering information on child related issues, such as the National Human Rights Commission. The participant from the National Human Rights Commission recommended creating a monitoring mechanism that would include OCSEA as an indicator, since as of today it is not included. The participant from the Ministry of Gender, Children and Social Action mentioned that there are already discussions on the integration of an indicator of OCSEA within the data collection system.

One respondent from the National Reference Group for the Protection of Children and Combating Trafficking in Persons and one from the Ministry of Science and Technology, Higher Education and Professional Technician, confirmed that no research activity on violence against children or on how the Internet is used by children has been conducted.

"The main recommendation is that the country should establish an online abuse indicator in a comprehensive manner" (RA1-MZ-11-A, Children, Elderly and Women Focal Point Commissioner, National Human Rights Commission).

One respondent reported that there is a good international cooperation between the National Criminal Investigation Service and Interpol at the level of criminal investigation. However, one participant from the General Prosecutor's Office, which is the body responsible for mutual legal cooperation, also mentioned the challenges of investigating and prosecuting OCSEA crimes due to their borderless nature and the importance of reinforcing this international cooperation.

“They are virtual crimes and in the virtual world there are no physical borders. (...) Because of this, the major challenges that we have are related to international cooperation, to reinforce the cooperation” (RA1-MZ-02-A, Deputy Attorney General of the Republic, General Prosecutor ‘s Office).

The Government of Mozambique has not established a child sex offenders’ registry and no participant referred to the existence of one. From the interviews, it seems that governmental agencies, such as the National Criminal Investigation Service and the Office of Women and Child Care, have their own registry system.

“It is difficult for me to tell you if there is a registry of sexual offenders. What I can tell you is that we do have information about cases reported to SERNIC [National Criminal Investigation Service]” (RA1-MZ-12-A, Focal Point for Anti-Traffic in Person and Child Protection, National Criminal Investigation Service).

It was highlighted by the participant from the National Criminal Investigation Service that Mozambique doesn’t have a national database on OCSEA. *“There is such an information or database system of images but this information system might be individual for each institution, depending on the purpose they want to give to such images. Furthermore, each sector can give or collect images in which they are interested”* (RA1-MZ-12-A, Focal Point for Anti-Traffic in Person and Child Protection, National Criminal Investigation Service).

The respondent from the National Human Rights Commission also identified delays in the justice system in cases involving children as challenge. *“The institutions responsible for the law enforcement are the General Prosecutor’s Office and the courts. We have seen that there is a lot of work done but still there are delays in cases involving children, because these are sensitive cases and they take long to be investigated in order to prosecute those who are involved. In some instances, the cases are submitted but then they are withdrawn. But sometimes because these are public crimes, they can’t be withdrawn but the parents or interested third parties will abandon the case”* (RA1-MZ-11-A, Children, Elderly and Women Focal Point Commissioner, National Human Rights Commission).

Finally, one participant mentioned that the COVID 19 pandemic was one of the consequences in the slow progress of the development of activities regarding OCSEA. *“I was briefed on these issues, at SERNIC [National Criminal Investigation Services], last year. I had already received some information from Interpol. Interpol and the Directorate of Criminal Investigation are related to this project, and we had already started considering the development of some activities to address this issue. From then up to now there hasn’t been much progress because of COVID and the issue is being revived with your*

invitation” (RA1-MZ-12-A, Focal Point for Anti-Traffic in Person and Child Protection, National Criminal Investigation Service).

Successes

As mentioned in the third chapter, the National Strategy on cyber security 2017 – 2021 seems like a promising piece of legislation in relation to OCSEA. However, progress made in Mozambique regarding OCSEA is low as the issue has only begun to be discussed within the country.

Challenges

Challenges to address and prevent OCSEA in Mozambique are diverse. A lack of adequate legislation criminalising all manifestations of OCSEA has been reported by respondents. Moreover, the lack of human, financial and technical capacity of the ministries and agencies mandated to prevent and respond to OCSEA was noted by the majority of participants as a major challenge. The lack of awareness and training on OCSEA among those who are supposed to deal with these issues was also reported.

Although there is an articulation between the ministries and agencies mandated to prevent and respond to OCSEA, the lack of a governing body with a clear mandate on OCSEA is a major obstacle to the development of an effective prevention strategy and a strong coordination of OCSEA’s prevention actions between the relevant institutions.

Participants emphasised the fact that it was hard to understand the dimension of the problem due to very little information on the situation in Mozambique. Reporting mechanisms and monitoring tools don’t include specific data collection on OCSEA cases and no research has been done on the subject, confirmed by our initial desk review for this project.

Finally, the difference of context between rural areas and urban areas was pointed out by a few participants. For example, participants reported that urban areas have other major problems to deal with first and that infrastructure granting access to the Internet or even to electricity doesn’t exist. A lack of ICT literacy from the population and language barriers were also indicated as challenges.