



REPÚBLICA DE MOÇAMBIQUE
MINISTÉRIO DA EDUCAÇÃO E DESENVOLVIMENTO HUMANO

Multi-sectoral Mechanism for Prevention, Reporting, Referral and Response to Violence against Children at Schools, including Assistance to Victims



Supported by:



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1. Background

1.1 Right to Education

The Constitution of the Republic of Mozambique establishes education as a fundamental right and duty of every child, which must be offered in a safe and enabling environment for learning. Despite significant progresses made in access to education in recent years, violence against children at school is a concern that requires a joint, integrated and coordinated response. Creation of a learning environment that is conducive to learning and free from violence requires a multi-sectoral approach to protecting children, starting from family, community, government institutions at different levels, civil society and development partners, with the **leadership of the Ministry of Education and Human Development**.

1.2 Violence against Children

Research data from civil society organizations indicate that violence against children is common both at school and at home (ROSC, 2015)¹. Another study on Students' Perceptions of Sexual Harassment and Sexual Abuse in Secondary Schools found that 64.45% of boys and 59.5% of girls out of 1200 students interviewed had heard of cases of sexual violence in their schools and 12% knew of someone who had dropped out of school due to sexual harassment and abuse (CESC, 2017)². Data from the National Institute of Statistics on Domestic Violence for 2014-2016³ showed that violence against children has increased significantly⁴.

Violence against children is one of the factors that undermine the right to access to quality, equitable and inclusive education. Violence is often not reported, causing victims not to receive the necessary support and assistance for rehabilitation and reintegration into school, as well as holding perpetrators accountable according to the law.

1. Report on the Implementation of the Rights of the Child in Mozambique, ROSC, 2015

2. Study on Students' Perceptions of Sexual Harassment and Sexual Abuse in Secondary Schools, CEC and CEP, 2017

3. Domestic violence (2014-2016), INE, 2016

4. 4,819 girls and 3,053 boys aged 0-17 suffered domestic violence in 2014 compared to 5,800 girls and 3,292 boys in 2016



Causes of non-reporting are many, including fear of exposure and dishonor to the family, retaliation, ignorance of the law, reporting mechanisms and failure to hold perpetrators accountable.

1.3 Definition of Violence against Children at School

There are various types of violence against children that contribute negatively to a child's access, retention and progress in school. Violence at school is defined as all violence that takes place at school and includes Acts of violence against children on home-school route and viceversa.

Table 1: Types of Violence against Children at School

Sexual Abuse: Any act of a sexual nature, whether or not involving sexual intercourse. Sexual abuse includes: caresses without consent, kissing by force, indecent innuendo, attempts to kiss by force, indecent sexual proposals, attempts or consummation of sexual intercourse by force or seduction" (MINEDH, 2015)⁵.

Sexual Harassment: To sexually harass someone with a promise of any kind of benefit; 2) To abuse authority and sexually harass another person under orders, coercion or intimidation in order to obtain advantages or benefits of a sexual nature and 3) To harass someone with intent to obtain sexual benefit or favour, whereby the offender uses his or her position as supervisor through coercion or threat" (Penal Code)⁶.

Sexual Violence against Children: Use of children for sexual purposes, either or not by force, even with their consent. E.g. 1) sexual involvement of a teacher with a student and having sex and 2) when an adult shows children pornographic films and photos, genital organs, touches their intimate parts (MINEDH, 2015)⁷

Sexual Violence at School: All sexual violence that takes place at school, involving education sector staff, either or not during school activities, and on home-school route and vice versa.

There are other forms of violence at school which also contribute negatively both to access and to progress, retention and completion of education. This violence can be:

Physical Violence: "hitting, kicking, forcing people to kneel and to do jobs as punishment, as well as pulling their ears. For example, when a teacher beats a student because he or she has not done homework or has done some indiscipline" (MINEDH, 2015)⁸

Psychological Violence: "Using aggressive words to offend children or other people. For example, when a teacher calls a child dumb, stupid or lazy" (MINEDH, 2015)⁹

5. School Guide for Teachers, Methods for Identifying Signs of Violence in Children and Adolescents, MINEDH, 2015

6. Penal Code, Lei 35/2014, República de Moçambique

7. School Guide for Teachers, Methods for Identifying Signs of Violence in Children and Adolescents, MINEDH, 2015

8. School Guide for Teachers, Methods for Identifying Signs of Violence in Children and Adolescents, MINEDH, 2015

9. School Guide for Teachers, Methods for Identifying Signs of Violence in Children and Adolescents, MINEDH, 2015

2. Legal Framework for Protection of Children from Violence

2.1 International and regional instruments

Mozambique has ratified several international and regional legal instruments to protect citizens, including children, from all forms of violence.

The Constitution of the Republic establishes that international treaties and agreements, validly ratified, shall be in force in the Mozambican legal system after their official publication and for as long as they bind the State of Mozambique internationally (Government Gazette, I Series - Number 51, 2004)¹⁰.

The main international and regional instruments ratified by Mozambique for protecting children from violence are as follows:

Table 2: International and Regional Instruments Ratified

<i>International and Regional Instruments</i>	<i>Ratification year</i>
<i>Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)</i>	1983
<i>United Nations Convention on the Rights of the Child</i>	1994
<i>International Conference on Population and Development (ICPD)</i>	1995
<i>African Charter on the Rights and Welfare of the Child</i>	1995
<i>Convention No. 182 on the worst forms on child labour</i>	1998
<i>Dakar Framework for Action, Education for All</i>	2000
<i>Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa</i>	2005
<i>Continental Policy Framework on Sexual and Reproductive Health and Rights at the 2nd Ordinary Session of the Conference of African Ministers of Health</i>	2005
<i>Convention on the Rights of Persons with Disabilities and its Optional Protocol</i>	2010
<i>Ministerial Commitment on sexuality education and sexual and reproductive health services for adolescents and young people</i>	2013
<i>Sustainable Development Goals</i>	2015
<i>Incheon Declaration and Framework for Action Towards SDG 4, Human Rights Council</i>	2017

10. Government Gazette, Number 51, 22 December de 2004, I Series

2.2 National Child Protection Laws and Policies

Mozambique has a robust legal framework aimed at protecting the rights of the child. In recent years, laws and policies have been passed which are translated into national programmes and plans, including education sector regulations.

Table 3: Child Protection Laws, Policies, Programmes and National Plans

LAWS	Approval year
<i>Constitution of the Republic of Mozambique</i>	2004
<i>Law on the Promotion and Protection of the Rights of the Child, Law 7/2008</i>	2008
<i>Law on Domestic Violence Against Women, Law 29/2009</i>	2009
<i>Penal Code, Law 35/2014</i>	2014
<i>Law on National Education System</i>	2018
<i>Law on Prevention and Elimination of Premature Unions</i>	2019
EDUCATION SECTOR POLICIES, NATIONAL PLANS AND REGULATIONS	
<i>Adolescent Sexual and Reproductive Health Policy and Strategy</i>	2001
<i>Primary Education Regulation</i>	2009
<i>National Policy on Sexual and Reproductive Health and Rights 2011</i>	2011
<i>Education Sector Strategic Plan (2012-2016), extended to 2019</i>	2012
<i>National Plan for the Child (PNAC II 2013-2019)</i>	2013
<i>Health Sector Strategic Plan (PESS 2014 - 2019)</i>	2014
<i>National School, Youth and Adolescent Health Strategy</i>	
<i>Gender Strategy for Education and Human Development 2016-2020</i>	2016
<i>II National Plan for Preventing and Combating Violence against Women (2017-2021)</i>	2017
<i>Ministerial Order 435/GM/ MINEDH/2018</i>	2018
<i>General Bylaws for State Employees</i>	
<i>Teacher's Regulations</i>	
<i>Teacher's Code of Conduct</i>	

3. Multi-sectoral Mechanism for Prevention, and Response to Violence against Children at School

The Multi-sectoral Mechanism for **Prevention, Reporting, Referral, Response to Violence and Assistance to Victims at school** aims to contribute to a safe and healthy school environment by preventing, responding to violence at school and assisting victims, including sexual violence. The Mechanism integrates **the institutions that oversee the following areas:**

- Education and Human Development
- Gender, Children and Social Welfare,
- Health
- Interior
- Youth and Sports
- Culture and Tourism
- Religious and Constitutional Affairs
- Sponsorship and Legal Assistance
- Attorney's Office
- Municipal Councils.

It also includes civil society organizations, community leaders and development partners.

The Mechanism adds value to current child protection work as follows:

- A. It is an orientation tool for different actors involved in child protection.
- B. It offers an opportunity to ensure that State, civil society, religious and community institutions work together and in a coordinated manner to fulfil their respective responsibilities to protect children against all forms of violence at schools.
- C. It also builds on lessons learned from current child protection initiatives.

3.1 Objectives of the Mechanism

General Objective

Contribute to a safe and healthy school environment by preventing, responding to violence at school and assisting victims, including sexual violence.

Specific Objectives

- Clarify the roles of all actors to strengthen accountability mechanisms for protecting, referring, responding to violence at school and assisting victims;
- Provide guidance on procedures for reporting, referring, responding to violence at school and assisting victims in a timely, coordinated and integrated manner;
- Define a monitoring and evaluation system.

3.2 Guiding Principles

The multi-sectoral mechanism is governed by the following principles:

Table 4: Guiding Principles of the Multi-Sectoral Mechanism

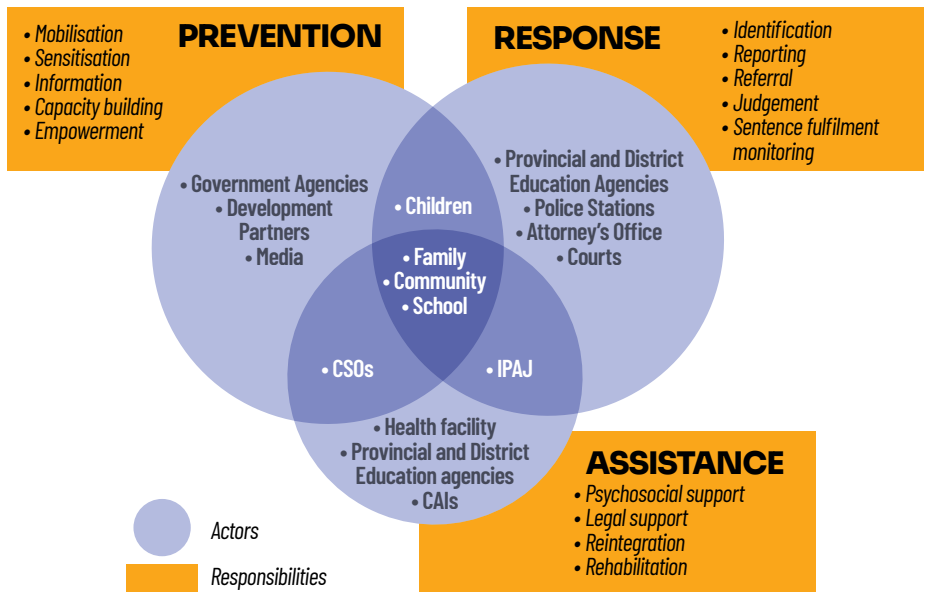
Respect for Dignity and Human Rights	All action aiming to prevent, report, refer, respond to violence at school and assist victims must take into consideration the dignity and human rights of the child in general; and in particular the right to education, to a school environment free from all forms of violence.
Equal Rights and Non-Discrimination	All action aiming to prevent, report, refer, respond to violence at school and assist victims must be taken without distinction, exclusion, restriction or preference of any kind, whether based on gender, economic condition or other situation of any kind. However, special consideration should be given to the most vulnerable groups of children most at risk of violence, such as children with disabilities.
Best Interest of the Child	The duty to accept that all action aiming to prevent, report, refer, respond to violence at school and assist victims is governed by the best interest of the child. Under no circumstances should the protection of the rights of the child be limited or partially guaranteed.
Confidentiality and Privacy	All action aiming to prevent, report, refer, respond to violence at school and assist victims must be carried out taking into account the protection of identity and privacy of victims and their dependents. The confidentiality of the information collected must be kept confidential and only accessed by the authorities in charge of the case.
Do No Harm	All action taken to prevent, respond to violence at school and assist victims should be taken in a way that minimizes possible long-term damage.
Consent	To recognize and safeguard the child's right to participation and access to an explanation in a language appropriate to his or her age and to consider his or her opinion. In case parents, guardians or legal representatives of children refuse to give their consent to access services, the official shall inform the competent authority for further action to safeguard the child's life and health.
Accountability	The author and his or her accomplice must be punished based on facts judged and proved by competent institutions.
Principle of Integrated Action	The mechanism is based on alliance and coordinated action between actors in various components of prevention, reporting, referral, response to violence and assistance to victims.
Child Empowerment and Active Involvement from School	Schools must develop, disseminate and implement tools that allow children to have knowledge about their rights; be aware of acts of violence and know reporting instruments.

3.3 Roles and Responsibilities of Different Multi-sectoral Mechanism Actors

The primary responsibility for the implementation of this Mechanism rests with State institutions with a mandate to ensure child well-being and protection against all forms of violence. However, there are several actors involved in child protection, including children themselves, the family, the community and State institutions at different levels, civil society organizations, international organizations, among others. The following chart clarifies the roles and responsibilities of different actors in order to improve the implementation, coordination and monitoring of activities in preventing, responding to violence and assisting victims. Assistance goes beyond formal mechanisms. It includes the family, community, school itself, which gives solidarity and multiform support. When it comes to child marriages, schools are expected to bring children from home and reintegrate them into school.

All actions taken under this mechanism must take into account **protection and the best interest of the child**.

Chart 1: Roles and Responsibilities of Different Actors



The above graph illustrates that in **Prevention**, different actors carry out actions to 1) mobilize and raise the awareness of school community to prevent violence against children at school; 2) provide information to empower children on the need to be aware of situations of vulnerability to violence; 3) create networks of self-assistance and participate in school and extracurricular activities on the protection of children's rights, including access to sexual and reproductive health; 4) empowering different actors on their responsibilities to protect children from violence, production and dissemination of information.

With regard to **Response**, focus is on actions to identify, report and refer cases of violence against children, proceeding in education sector and justice institutions, trial and monitoring of compliance with sentences.

Victim Assistance includes provision of medical, psychosocial and legal assistance, temporary accommodation and reintegration into school.

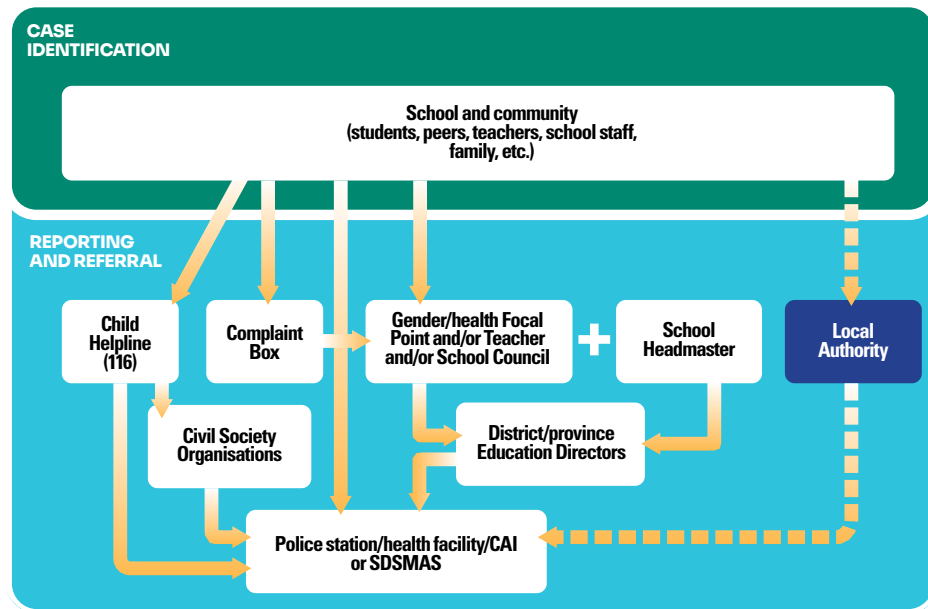
4. Flowchart for reporting, referral, response to violence and assistance to victims

One of the key tools for preventing and responding to cases of violence is provision of adequate assistance to victims and a clear and credible flowchart for case reporting, referral and response. The mechanism will use the following flowchart. **Reporting is mandatory, especially for Education, Health and Social Welfare sectors (Article 20, Law No. 7/2008 of 97)**

Introduction

Starting from school and the community, where cases are identified, the flowchart is structured to guide the population and the services throughout the two crucial phases of this process: **case reporting and referral**, and then **response and assistance to victims**.

Chart 2: Case identification, Reporting and Referral



LEGEND:

- ■ ➔ The local authorities do not have the mandate to solve this kind of cases, so they must refer the cases to the statutory services

Identification

It is everyone's responsibility to identify cases of violence against children and adolescents at school, whether in school itself or in the community, when an alert arises.

For cases to be identified, it is important that **everyone is informed** and aware of the **types of violence that affect students**: corporal punishment, aggression, and any attacks on physical integrity; sexual harassment, rape or sexual abuse; intimidation, humiliation and emotional violence; theft and destruction of property or bullying (including cyberbullying).

These cases, whether perpetrated **by teachers, school staff or other students**, are some examples of violence that everyone should be aware of to protect children. It is important that students themselves are able to recognize these **cases of violence as unacceptable** so that they can identify when they themselves or their peers are victims of violence and abuse. Teachers and other school staff, local authorities, the community and the family must also be aware and attentive in order to be able to identify these cases of violence, as this is the first step to protecting children and adolescents.

Reporting and Referral

Reporting: Once cases of violence have been identified, it is important that they are reported and referred. It should be noted that by law **reporting is mandatory**, especially for the Education, Health and Social Welfare sectors (Article 20, Law No. 7/2008 of 97). Reporting is not always an easy process or decision to make, because those who identify the case may have concerns about their anonymity, possible retaliation or simply may not know what to do. Thus, **there are different reporting mechanisms**, appropriate to the person who identified the case (student/child or adult) and the severity of the case of violence.

- **Inside the school:** When the case is identified by a **student** and they want to preserve their anonymity, they can report the case through the **LFC hotline 116**, where they will provide the necessary information so the case can be referred or they can also report the case through a **Complaint and Suggestion Box** placed in each school, placing a note with the description of the case and enough information for the school to then follow up and act. Another way to report the case is by directly exposing the case to the **Gender Focal Point, Health Teacher or School Council**. If identification is made by an adult, within the school (teacher or other staff member) it is advisable to use the Complaint Box and the LFC hotline, if he or she wishes to maintain anonymity, or to expose the case to the School Council. In cases of **sexual violence or serious physical abuse**, the person who identifies the case (a child or an adult) should go to a **Police Station, to the Family and Minors Assistance Office, Integrated Reception Centre (CAI) or to SDSMAS (district level) and/or to a Health Facility** (so that the victim can have access to **medication to prevent pregnancy and to prevent the transmission of HIV-AIDS and other sexually transmitted diseases**).

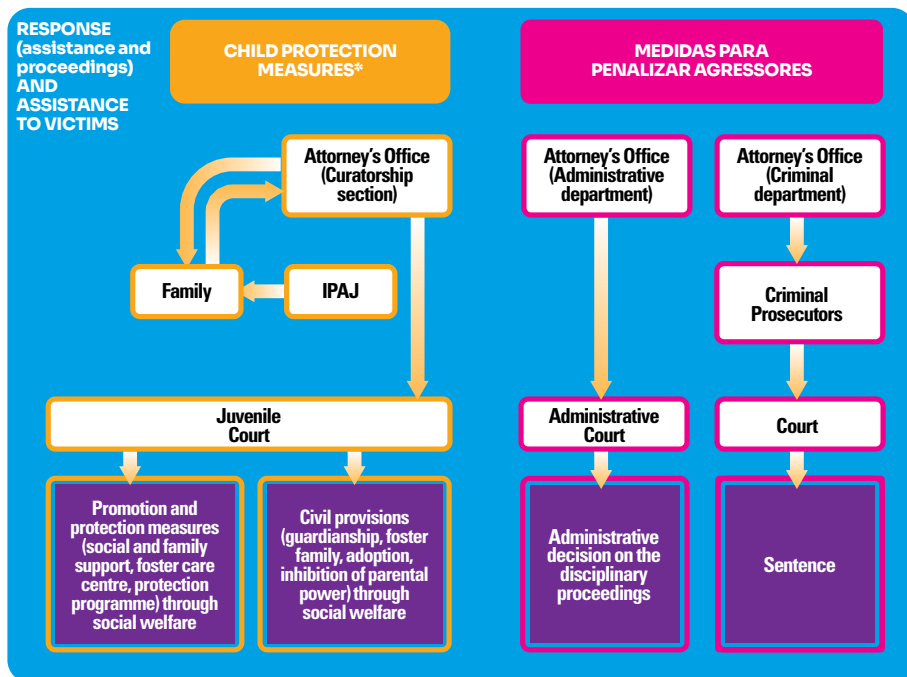
- **Outside School:** When the case of violence is identified outside of school, usually by a family or community member, reporting should be made through the hotline (in case one wishes to remain anonymous), or directly to the Police Station, to a Family and Minors Assistance Office, Integrated Reception Centre (CAI) and/or a Health Facility. In some cases, the community prefers to report it to a **local authority** that, even though it **does not have a mandate to resolve such cases**, has the **obligation to report it to other institutions**. Therefore, if an individual has reported the case to a local authority (community leader, etc.), they have the obligation to refer the cases of sexual abuse and violence and serious physical violence to relevant bodies (Police/health facility/ CAI/SDSMAS).

Referral: After the complaint, through the different channels, the forwarding of cases is done as follows:

- **Linha Fala Criança (116):** Receives the reporting of the case and forwards it directly to the police authorities, Health Post, CAI or SDSMAS or forwards it to Civil Society Organizations, which in turn forwards it to the same institutions.
- **Complaint and Suggestion Box :** As indicated by MINEDH, the Complaint and Suggestion Box is **opened by the Gender Focal Point, the Health Teacher and a member of the School Council**. When the case of violence is well identified, there are several ways of referral, depending on the case: if the school principal is involved, the case should be referred directly to the district services and provincial education directorate to initiate disciplinary proceedings. In the case of **sexual violence or serious physical violence**, it needs to be reported directly to the police authorities, to the Health Post, CAI or SDSMAS. If the school principal is not involved in the case of violence, he should initiate disciplinary proceedings against the teacher or employee involved.
- **Gender Focal Point, Health Teacher, School Council:** When receiving a complaint from students, or through CRS, it is necessary to consider the following: When the perpetrator is the school principal, the case must be referred directly to district services or provincial Education directorates to initiate disciplinary proceedings, but in the case of sexual rape or serious physical violence the case must be referred directly to the police authorities. When the perpetrator is not the principal of the school, the person who identifies the case must refer it to him, so that he can refer to the appropriate bodies according to the seriousness of the case, initiating a **disciplinary process and making a report to the police**.
- **Police Post / Police Station, Health Post / CAI and SDSMAS:** When receiving complaints the procedures of the different institutions are as follows: Police Post or Police Station, make the report and refer the victim to the Health Post and contact the Attorney for process instruction; SDSMAS, refer the victim to the Police and Health Post.

In several cases of violence in schools, after reporting and referrals, depending on the severity and type of case, and if after investigation there is no process instruction, the answer can be given by several of these institutions. For example, a case of violence or bullying among students can be resolved by the school management with disciplinary sanctions, psycho-social support and / or awareness-raising actions at the school.

Chart 3: Response (assistance and proceedings) and assistance to victims



When more investigation, prosecution, civil or disciplinary, and assistance to victims are required the cases proceed for the next phase of Response and Assistance. After being received reports can be referred to these institutions: district and provincial Education bodies, Attorney's Office, police authorities, Health Centres/CAI and SDSMAS.

Referral of cases for Response and Assistance to victims takes place in two ways: through child protection measures and offender punishment mechanisms.

4.1 Child Protection Measures

It is incumbent on police authorities, Health Centres/CAI and SDSMAS to refer cases to the Public Attorney's Office in order to activate child protection measures, including referring victims for psycho-social support, if necessary. Depending on the case, seriousness and evidence gathered, the Public Attorney may refer it directly to Children's Court, which will decide on promotion and protection measures or civil provisions. In these cases, Children's Curator will involve the family to understand the case and gather necessary evidence. **Families can ask for legal support from IPAJ**, which in turn guides them in the process. When the case is clear and there is evidence gathered that requires promotion and protection measures such as socio-family support, reception in an institution or protection programmes, or civil measures relating to guardianship, foster family, adoption or suppression of parenting rights, the Juvenile Curator shall refer case to Juvenile Court. The measures are then implemented by the Social Welfare service, upon decision of the court.

4.2 Offender Punishment Mechanisms

If the offenders work in the education sector and require **disciplinary proceedings**, referral is made by school principals or district or provincial education bodies. The cases then go to the **Administrative Court** for an administrative decision on the disciplinary process.

When the case requires initiating **criminal proceedings**, referral is made by police authorities. These cases then go to the attorney and from there to the Court that will decide on the criminal case.

5. Progress Monitoring and Evaluation

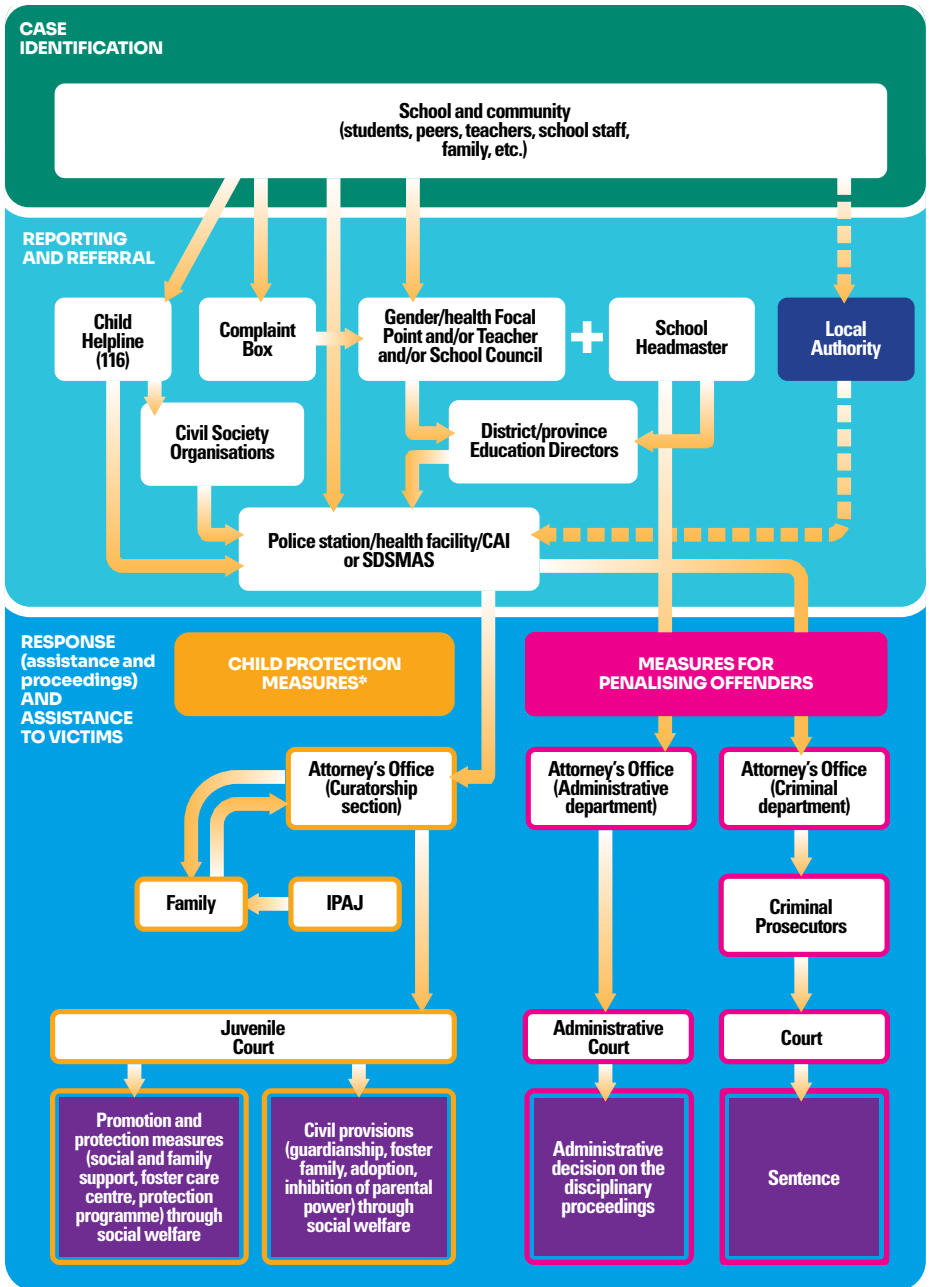
Members of the multi-sectoral mechanism will assess the progress made in implementing different interventions. This will ensure that monitoring and evaluation interventions are integrated into annual plans, processes and activities of different members of the multi-sectoral mechanism.

Members of the multi-sectoral mechanism will plan and carry out joint monitoring and evaluation visits to schools and different institutions implementing prevention of and response to violence against children and assistance to victims, and prepare semi-annual and annual reports on the implementation of the flow chart, multi-sectoral coordination and the impact of the implementation of the multi-sectoral mechanism on preventing and combating violence against children at school. MINEDH leads planning and monitoring processes, whose reports will be presented every six months at a technical level and annually at leadership level in the institutions that are part of this mechanism.

Priority areas for supporting monitoring and evaluation actions include:

- Agreement on the indicators to be used in monitoring and evaluation actions;
- Consensus among members of the Mechanism and other actors on data standards, information sources and data collection methods;
- Strengthening data coordination and current monitoring mechanisms;
- Strengthening collection and management of information on sexual violence in the education sector; and
- Development of a communication and information dissemination strategy

Annex: Fluxogram



LEGEND:

* The victim has access to psycho-social support from the beginning of the process when the needs is identified by the police authorities, Health center, CAI or SDSMAS

■■■➔ The local authorities do not have the mandate to solve this kind of cases, so they must refer the cases to the statutory services

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