

Appraisal of Sexual Abuse and Commercial Sexual Exploitation of Children in Maputo and Nampula

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(Translated from the Portuguese original)

Executive Summary

This consultancy on sexual abuse and commercial sexual exploitation of children was carried out over a period of six weeks. Its objectives include the identification of existing practices and of the contexts within which these situations arise, as well as an analysis from the human rights viewpoint. In the course of the work, one noted the lack of recourse to judicial bodies for the solution of those cases that exist (only two cases of rape of children under 12 years old were tried in 1996 in the two provinces), and their handling within the family and in relation to customary norms. The formal law on prostitution is unknown by the majority of the interviewees (male and female) and is not being applied. Consequently we opted to compare three levels of norms: international conventions, Mozambican legislation and customary rules.

According to these different normative contexts, certain practices become acceptable or unacceptable, and the problems arising out of them are seen to be subject either to being solved or to be punished. Starting from this assumption, we adopted international concepts used in relation to children, sexual abuse and commercial sexual exploitation.

The formal legislation used nationally and in the district, provincial, city and Supreme courts, continues to be that set out in the colonial period, added to but not harmonised with the international conventions that have been ratified. The Mozambican legislation covers various sexual crimes including prostitution. The law foresees punishment for the aggressors and protection for the victims.

The existing legal framework in Mozambique is characterised, however, by the dualism of its judicial system, sanctioned by the creation of the Community Courts (Law 4/92), which in general are influenced by the customary norms of the communities in which they act. Thus there is a recognition of a predominant role for practices and customs in the setting of standards for the behaviour of citizens, and it is considered that what the practices and customs define as just and unjust, acceptable and unacceptable, constitutes the norm in law, even if in terms of the formal law, these practices are unlawful. It is important to make reference to the fact that the existing community courts are unlawful in not having been set up according to the law. Thus, the decisions taken by this level are doubly unlawful.

In large measure the sexual abuses (forced marriages) and commercial sexual exploitation (bride price), are organised by the family groups, and in Mozambique are socially accepted. Cases of sexual abuse perpetrated by outsiders, in general are not accepted. The presentation of cases to the police or the

courts is limited, and these cases almost never go to trial, as taking a complaint to this body is aimed essentially at the satisfying of the requirements set out in the light of customary law. Legal cases taken to the police and the courts are slow-moving and costly, and their determination (jail terms for the criminals), does not resolve the social problem which has been created, be that the devaluation of the girl in her quality as someone's property, or the situation of pregnancy flowing from the abuse.

Under customary norms, the solution in these cases of sexual abuse, is the payment of a fine. If the girl is pregnant, the tendency is to marry her off to the father of the child and apply bride price. If marriage isn't possible, a fine is applied.

The cases of commercial sexual exploitation that are not accepted, are above all those organised by outsiders or by the child her/himself. In these cases there is no penalty in customary law aside from a reprimand.

It was found that certain concepts of formal law have no equivalent in customary law (the right to protection, the right to freely decide one's own marriage, etc.), that other concepts don't coincide (sexual abuse and commercial sexual exploitation), and that there are contradictions as regards the penalties applied by the formal law (prison for the aggressor and protection of the victim), and the customary norms (marriage of the victim to her aggressor).

This kind of situation flows from the incapacity of the state to administer the application of the law, to determine the hierarchical relation between the two law systems, and to influence the development of customary law and imbue it with international law.

In the face of this situation, it is suggested to establish a dialogue with the customary law, aimed at a progressive adoption of the concepts and measures set out in the formal national and international law, through raising of society's awareness of the consequences of sexual abuse and commercial sexual exploitation of children. Measures should be taken aimed at protecting children and penalising sexual abuse and commercial sexual exploitation of minors, applying the formal law that is in effect, along with the legalising of prostitution for (male/female) adults and creating the juvenile courts and those establishments foreseen by the Statute for Legal Assistance to Minors in the Overseas Territories, starting with social assistance to minors, in private establishments.

Introduction

In order to study child prostitution, international concepts of human rights were used as a theoretical point of reference and categories of analysis were drawn up, taking the idea of sexual abuse as their base.

At the World Congress Against Commercial Sexual Exploitation of Children (1996), child prostitution was included in the concept of **commercial sexual exploitation, defined as "sexual abuse carried out by an adult involving payment in money or in kind to the child or to third parties"**.

In the Beijing Declaration and Platform (1995), sexual abuse is considered to be physical, sexual and psychological violence against women, that "both violates and throws out of balance or annuls the enjoyment of women's human rights and fundamental freedoms".

Due to the fact that the definition of commercial sexual exploitation includes the idea of sexual abuse, one chose to study the other forms of sexual abuse as a fundamental point of reference in order to characterise the context of gender relations in general, and of child prostitution in particular. In the Convention on the Rights of Children (1989), **sexual abuse is defined as an illegal sexual relationship**. Consequently it is the idea of illegal sexual relationship between an adult and a child, that defined the limits of the field of observation, taking into consideration two different normative contexts made up of formal law (international documents and Mozambican legislation) and the customary norms in Maputo and Nampula provinces.

Categories of analysis were drawn up, classifying sexual abuses as a function of two criteria, the first being the involvement of a payment in money or in kind, and the second being who commits the sexual abuse.

The study of sexual abuse in the provinces of Maputo and Nampula was carried out taking into account the fact that this phenomenon isn't isolated but is to be found within the context of gender social relations characterised by violence against women, in a context of power relations in the private and in the public spheres, marked by their express subaltern status within the customary norms and in the formal law. The application of the customary norms, in detriment to the formal law, also comes within gender relations and within the confrontation between those two levels of norms.

This context was analysed by studying the construction of the female and male identities within the "traditional" (conceptions and practices transmitted within the family) and "modern" socio-

cultural contexts (conceptions and practices transmitted outside the family), in the two provinces.

Gender identity is constructed within the relations that each person establishes with their family and with society, to which is added the perception that gets acquired over time of one's own body and of the violence committed against it.

Every society draws up behavioural norms within which individuals are socialised. It is, generally speaking, in adhering to these patterns of behaviour that persons acquire their place and status in society and their psychological and affective equilibrium.

Thus, violence is not always understood as such by the protagonists. Sexual violence, like eroticism, is constructed and reproduced socially.

One sought, in the course of this appraisal, to avoid falling into ethnocentrism (the point of view of a one single culture), contrasting the various normative levels, and into male-centrism (the point of view of men), contrasting the opinions of the (male and female) protagonists and the solutions presented.

In conclusion, this appraisal does not claim to set out an exhaustive framework of the situation of sexual abuse and commercial sexual exploitation of minors, but rather to present that which, from the point of view of concepts adopted internationally, may be considered sexual abuse and commercial sexual exploitation of minors, contrasting them with the conceptions expressed by men and women living in urban and rural areas of the provinces of Maputo and Nampula.

Methodology

The current work, carried out over a period of six weeks, results from a consultancy done for the Royal Netherlands Embassy, in collaboration with the Ministry of Coordination of Social Welfare, and whose terms of reference are attached in Appendix 1. The general objective of this appraisal is to analyse child prostitution from the point of view of human rights and their implications in the area of Mozambican legislation, and to document the different contexts of child prostitution in the urban and rural areas.

The theoretical framework that guided the appraisal, rests on international concepts that define child prostitution, and on a gender perspective, analysing sexual abuse as arising from social relations inscribed within specific social contexts.

The international concepts led to classifying the various kinds of illegal sexual relations, distinguishing:

1. Sexual abuse with and without payment in money or in kind;
2. Who it is who commits the sexual abuse, or who benefits.

To this end, the following was studied:

- The various kinds of situations involving sexual relations of minors with adults;
- The various kinds of situations involving sexual relations with payment, in money or in products, to the child or to a third party;
- The relations that are considered acceptable and unacceptable in the different contexts;
- Conflict resolution and penalizing of the criminals in the different legal systems (formal legal system and customary rules);
- The solutions presented by the protagonists and bodies connected to the problematic.

Considering sexual abuse of minors to be the result of socially constructed power relations, led to the study of the conceptions and practices that propitiate these situations (at what age a person is considered to be an adult, what are the characteristics associated with masculinity and femininity, how the existing matrimonial compensations are understood). The following are to be distinguished:

1. The conceptions of child development and the different forms of sexual socialisation in the two provinces in the "traditional" and "modern" contexts;
2. The forms of constitution of the family;
3. The gender stereotypes leading to a preference for sexual relations with minors and the obligation to pay for the sexual relations.

The characterisation of gender relations permitted a contextualisation of the different forms of sexual abuse and an understanding of how, in the construction of male and female identities, are set out the bases for their existence and reproduction.

For that reason, data collection was based on the following factors that determine the occurrence of sexual abuse and commercial sexual exploitation:

- "Forces related to one's personal history, that contribute to involvement in sexual coercion;
- Forces related to the immediate context in the which the coercive act is carried out;
- Formal and informal social structures that work upon the actors and the immediate context;
- Broader cultural values and a value system that encourage coercion."¹

The field of analysis of the appraisal was defined through a criterion of representativity, taking in, in Maputo and Nampula provinces, urban areas and rural areas.

The study was carried out in the following way:

- Gathering together and study of the existing literature;
- Gathering of quantitative data on cases of sexual abuses presented to the various bodies;
- Focus Groups of 6 to 7 persons, divided by age group (12 to 17, 18 to 40, and over 40 years of age) and by gender, with the use of a semi-structured interview guide;
- Individual interviews with various personalities and persons in charge of institutions connected to the issue under study, following semi-structured guides adapted to the various interviewees;
- Gathering of life histories of protagonists of sexual abuse and commercial sexual exploitation (men and women), from different age groups, with particular emphasis on underage girls and adult men, following semi-structured guides adapted to the various situations.

In the course of this work 87 personalities were interviewees, representatives of institutions connected to the issue (65 men and 22 women).

232 persons were consulted (122 men and 110 women) in 36 Focus Groups, of an average of 6 persons each. The interviews were done anonymously.

82 anonymous life histories were collected (30 men and 52 women). In the presentation of these statements, the ages and data disclosed by the interviewees were altered, so as to respect anonymity.

¹ Heise Lori and al, **Sexual Coercion and Reproductive Health, a Focus on Research**, Population Council, New York, 1995.

Attached in Appendix 2 are the Activities Undertaken by the consultant, and attached in Appendix 3 is the List of Persons Contacted.

The table below illustrates the distribution of persons contacted by area, and according to the technique used.

Interviews carried out, by area and according to the technique used:

| Province | Geographical Area | Interviews with Personalities | | | | Focus Group | |
|--------------|-----------------------|-------------------------------|-----------|------------|------------|-------------|-----------|
| | | Life Histories | | | | | |
| | | M | W | M | W | M | W |
| Nampula | Capital | 14 | 4 | - | - | 13 | 16 |
| | Capital Neighbourhood | 8 | 1 | 19 | 15 | - | - |
| | Murrupula | 7 | - | 22 | 26 | 2 | 2 |
| | Angoche | 7 | 4 | 21 | 18 | 2 | 4 |
| Maputo | Capital | 10 | 8 | - | - | 10 | 19 |
| | Capital Neighbourhood | 5 | - | 14 | 14 | - | - |
| | Marracuene | 5 | 3 | 25 | 20 | 2 | 5 |
| | Ressano Garcia | 9 | 2 | 21 | 17 | 1 | 6 |
| Total | | 65 | 22 | 122 | 110 | 30 | 52 |

This appraisal was carried out with the participation, in Maputo, of Alberto Zandamela, Ana Magaia, José Pinto de Sá, Adelaide Chaisse, Vanda Costa and Abdul Manave. In Nampula, those who participated were José Daudo, Virgínia Gondola, João Missão, Maria Laço, Tomé N'tchenya, Dinis da Costa and Albertina Suthu (as research assistant).

Isabel Noronha collaborated as research assistant and participated in the writing of the final report. Patrício José, founding member of the Association for the Rights of Children, also contributed to this work.

The limited time (6 weeks) is considered to have constituted an impediment to the development of the analysis of the data collected, and consequently the current work assumes a character which is more exploratory than conclusive.

Another limitation that was felt in carrying out this appraisal, is related to an insufficient deepening of the confrontation between customary norms and international law. To what extent does classifying "lobolo" (bride price) within the concept of "commercial sexual exploitation", act to sensitise society on gender relations marked by the subaltern status of women? Is it the case that taking as sole criterion of differentiation between those kinds of sexual abuses, the payment in money or in kind to the child or to third parties, permits one to establish the frontier between "prostitution" and other sexual forms and use of the body?

Despite these interrogations, we consider that this appraisal proposes categories of analysis based on international

definitions and on a gender perspective, which may allow for the development of a new approach to child prostitution in Mozambique.

This appraisal is composed of four chapters. The first tackles concepts related to the definition of a child, of sexual abuse and of sexual exploitation at the three normative levels: ratified international documents, Mozambican legislation and customary norms.

The second and third chapters deal with Maputo and Nampula provinces respectively. These are made up of two sections, the first broaching conceptions related to development and sexual socialisation of the child, the form of constituting the family, and gender stereotypes. The last section presents the different categories found that distinguish sexual abuse and commercial sexual exploitation as a function of who commits the abuse (family members, outsiders or the child him/herself).

The last chapter presents the conclusions and recommendations of this appraisal.

I. Concepts and Human Rights

For the purposes of this appraisal, the concepts proposed in international documents were used, seeking to contrast them with the legislation in effect and the existing conceptions and practices.

Mozambique's situation is characterised by the duality of its legal system, sanctioned by the creation of Community Courts by Law 4/92, establishing a division between District, Provincial, City and Supreme Courts, that make judgements on the basis of the written law, and the Community Courts whose judges are elected from amongst the population and who don't possess any formal legal training. The creation of these courts assigns the administration of justice to the community, and provides recognition of its fundamental role in the setting of norms of behaviour for citizens. The Community Courts are generally influenced by the customary norms of the communities in which they act. However, the courts that are making judgements at present at local level, weren't established by legal mechanisms but were created so as to answer local needs, their operation being unlawful from the formal point of view.

In what follows, the existing legal framework in Mozambique is analysed, where distinct systems of norms coexist, applied to different levels of the legal system: international conventions, the laws adopted during the colonial period or after independence, and the customary norms, whose role is preponderant.

A comparison of the formal law and customary norms, is presented in Chapter IV, "Conclusions and Recommendations".

A. International Documents that have been ratified

The idea of sexual abuse and of commercial sexual exploitation appears in the Convention on the Rights of Children and in the documents on the World Congress Against Commercial Sexual Exploitation of Children.

1. The Child

The Convention on the Rights of Children considers children to be "all human beings younger than eighteen years of age, except if, in terms of the law that is applicable to him/her, the age of majority is reached earlier".

Convention on the Rights of Children (1989)

Article 19:

1. "The signatory States will adopt legislative, social and educational measures that are appropriate to the protection of children against all forms of physical or mental damage or abuse... of ill treatment or exploitation, including sexual abuse, while under the care of their parents, legal representative or any other person who has them under his/her responsibility".

Article 35:

"The signatory States will take measures of a national, bilateral or multilateral nature, as may be necessary to impede the abduction, sale or traffic in children, independently of their goal or form".

Article 39:

"The signatory States will take appropriate measures so as to ensure the physical and psychological recovery and reintegration of children who are victims of all forms of... exploitation or abuse, of torture or other form of cruel, inhuman or degrading treatment, or of armed conflicts... in an environment that promotes health, self-respect and the dignity of children".

2. Sexual Abuse

Sexual abuse is an illegal, non-commercial sexual relationship, as understood in the light of Article 34 of the Convention on the Rights of Children. In relation to the term "illegal" which is used, and in the absence of greater clarification, it is understood that this must be considered within the ambit of Mozambican and international legislation.

Convention on the Elimination of All Forms of Discrimination against Women (1979)

Article 5:

The signatory States shall take all appropriate measures to:

- a) modify the schemes and models of socio-cultural behaviour of men and women, with a view to attaining the elimination of preconceived ideas and customary practices, or those of any other kind, that are based on the idea of the inferiority or superiority of one or the other sex, or on a stereotyped role for men and women.

Article 16:

1. The signatory States shall take all measures required to eliminate discrimination against women in all questions regarding marriage and family relationships and, particularly, they shall ensure, on the basis of the equality of men and women:
 - a) The same right to contract marriage;
 - b) The same right to choose freely their spouse and to contract marriage by themselves, of their full and free will;
2. The promise of marriage and the actual marriage of a child will have no legal effect and all measures required, including legislative arrangements,

will be taken with the purpose of setting a minimum age for marriage, and of making compulsory the registration of marriages in an official record. The document adopted in the Fourth World Conference on Women, in Beijing in 1995, may here be alluded to, even though it does not have the same legal force as the above-cited conventions. This may be used for guidance, in the situations in which it gets applied.

Fourth World Conference on Women in Beijing (1995)

Article 97:

This article includes "the right to control and decide responsibly and freely, matters related to their sexuality, including their sexual and reproductive health, and to decide freely in relation to these questions, without being subject to coercion, discrimination and violence. Equal relations between women and men in the area of sexual relations and reproduction, including total respect for the integrity of the person, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences."

Article 113

Violence against women is an obstacle to reaching the objective of equality, development and peace. Violence against women both violates and throws out of balance or annuls the enjoyment of human rights and fundamental freedoms by women...

Article 114

The term "violence against women" designates any and all act of violence based on gender that results, or may result, in physical, sexual or psychological damage or suffering for women, including threats of those acts, coercion or arbitrary privation of liberty, whether occurring in public or private life. Thus, violence against women takes in but isn't confined to:

- a) physical, sexual and psychological violence taking place in the family, including beating, sexual abuse of girls in the household, violence linked to a dowry, marital rape, female genital mutilation and other traditional practices that are harmful to women, non-conjugal violence and violence related to exploitation;
- b) physical, sexual and psychological violence occurring in the community, including rape, sexual abuse, sexual intimidation and harassment in the workplace, in educational institutions or other places, traffic in women and forced prostitution;
- c) physical, sexual and psychological violence perpetrated or allowed by the state, wherever it may occur.

3. Commercial Sexual Exploitation

In the Declaration adopted, in 1996, at the World Congress Against Commercial Sexual Exploitation of Children, commercial sexual exploitation is defined as "sexual abuse carried out by an adult involving payment in money or in kind to the child or to third parties. The child is treated as a sexual object and as a commercial object. The commercial sexual exploitation of children constitutes a form of coercion and of violence against them, and

it numbers amongst the varieties of forced labour and is a contemporary form of slavery".

Convention on the Elimination of All Forms of Discrimination Against Women (1979)

Article 6

The signatory States shall take all appropriate measures, including legislative arrangements, in order to suppress all forms of traffic in women and of exploitation of the prostitution of women.

The international documents ratified by Mozambique present contradictory aspects. For example, the African Charter of Human and Peoples' Rights prescribes in paragraph 3 of Article 17, that "the promotion and protection of morality and the traditional values recognized by the community, constitute a duty of the state in the framework of safeguarding of human rights" and in paragraph 1 of Article 29 of the same charter, it prescribes as a duty of the individual "...To defend the harmonious development of the family and to act in favour of its cohesion and respect, to respect at all times his/her parents, to feed them and help them in the event of need."

On the other hand, the Convention on the Elimination of All Forms of Discrimination Against Women in paragraph a of Article 5, prescribes as a duty of the state, "to modify the schemes and models of socio-cultural behaviour of men and women with a view to attaining the elimination of preconceived ideas and of customary practices or those of any other kind, that are based on the idea of inferiority or superiority of one or other sex, or on a stereotyped role for men and women."

In this context, one finds ambiguity and contradiction existing between those various ratified documents, and the consequent necessity for reconciliation.

B. Mozambican Legislation

In line with what we highlighted previously, the situation of Mozambique is characterised by the duality of its legal system, with the District, Provincial, City and Supreme Courts that make judgements on the basis of the written law, and the Community Courts, influenced by customary norms.

In what follows, the main existing arrangements in relation to commercial sexual exploitation and sexual abuse of minors in the Mozambican legislation, are presented.

1. The Child

In the Constitution of the Republic of Mozambique (1990), the child enjoys special protection on the part of the state, family and society, in Articles 56, paragraphs 2, 3, 4 and 5, and in Article 58. One reads that the family and the state ensure the all-rounded education of the child, training him/her in the values of equality between men, respect and social solidarity. The child cannot be discriminated against, specifically by reason of his/her birth, nor be subjected to ill treatment. The state and society protect orphaned and abandoned children.

In the light of Decree 417/71, of the Statute of Legal Assistance to Minors in the Overseas Territories, minors under 16 years of age aren't liable for their criminal involvement, but rather measures for protection, assistance or education are applied. The Juvenile Court is the responsible institution for cases involving minors.

With the exception of certain cases like, for example, emancipation (being able to get married), the age of majority is established at 18 years—that is to say, a citizen, from birth up to 18 years of age, is legally taken to be a minor in the civil and criminal legislation.

2. Sexual Abuse

In relation to sexual abuse of minors, the Criminal Law sanctions in a serious fashion, some crimes set out in Chapter IV, Section I of the Penal Code, and certain crimes considered to be against honesty, such as: gross indecency, indecent assault and rape, whenever the victims are minors.

Gross decency, set out in Article 391 of the Penal Code, takes place when there is practice of sexual relations with a minor of less than eighteen years of age, with or without violence, and the victim is not a virgin, or prostitution of minors or whatever other act that offends the decency of the person. This crime is punished with a prison term of three days to two years.

Rape and rape of minors of less than twelve years of age, are considered in Articles 393 and 394 of the Penal Code. A sexual relationship with any woman, against her will, using physical violence, is punished with imprisonment of two to eight years. Intercourse with a minor of less than twelve years of age, independently of his/her consent (their consent is null and without effect), is punishable with a maximum penalty of eight to twelve years.

Indecent assault is defined by Article 392 of the Penal Code. This crime takes place when someone, by means of seduction, practices sexual relations with a woman who is a virgin older

than twelve and younger than eighteen years of age, and with her consent. It is considered that the consent was corrupted through seduction with promise of marriage or living together. For this crime, the legislator determined a penal framework of two to eight years in prison.

3. Commercial Sexual Exploitation

As regards commercial sexual exploitation, Article 71 of the Portuguese Penal Code in effect in Mozambique by the force of Article 203 of the Constitution, sets out that: "the subject of prostitution is regulated nowadays by Executive Law No. 44579 of September 19, 1962, which prohibited the respective exercise as of January 1, 1963."

Penal Code

Article 1

- "1. The exercise of prostitution is prohibited as of the 1st of January, 1963.
2. For the purposes of the previous paragraph, prostitutes are considered those girls and women who habitually hand themselves over to the practice of illicit sexual relations with any and all men, obtaining remuneration or whatever other economic benefit from them.
3. Prostitutes are made equivalent to vagrants, for the purpose of application of security measures. To those under 16 years of age, will be applied the measures anticipated for protection, assistance or education as set out in Executive Law No. 44288, of April 20, 1962".

Article 2

- "1. All individuals who consciously foment, favour or in one way or another facilitate the exercise of prostitution or intervene in its practice for profit, are punished with a prison term of up to one year and a corresponding fine".

Article 3

- "1. With the proviso of the mechanism in paragraph 1 of Article 4, all houses where prostitution or any of the activities alluded to in the previous article are exercised, will be closed by the police authorities, with eviction and seizure of all goods encountered there".

The security measures anticipated in Articles 70, 71 & 1 of the Penal Code, can be applied to individuals "who consciously foment, favour or in one way or another facilitate the exercise of prostitution or intervene in its practice for profit", ranging from confinement in a prison for the criminally insane, to a ban on the exercise of their profession.

Security measures (and paragraph 1 of Article 71 of the Penal Code), may also be applied to those who exploit prostitutes (pimps), ranging from a good behaviour bond or probation (for the first offence), to probation with the bail bond raised to double or internment (for the second offence).

When a person who incites the minor to practice prostitution is an elder, husband, tutor or person entrusted with the education of the minor, the Criminal Law foresees and punishes it in its Article 405 as being a crime of slavery. If the person is the father/mother or a grandparent, the sentence should be one to two years in prison and a fine, in addition to the suspension of their political rights for twelve years. In the event of it being the husband, the sentence should be banishment, fine of three months to three years of his income, and further suspension of political rights for twelve years. When it is a person entrusted with the child's education or a person responsible for the minor, the sentence should be six months to two years and a corresponding fine, as well as the suspension of political rights for twelve years and of the right to be in charge of the management of an educational establishment or to be a member of the family council.

By virtue of the equality of men and women, the measures applied to one can be applied to the other. Thus, the same measures of criminal prevention set out in Decree 417/71 of the Statute of Legal Assistance to Minors in the Overseas Territories, can to be applied to the (male) minor who is prostituted, ranging from a reprimand up to internment in an educational institute. The element to take into account in the definition of the measures to be applied, is habitualness.

C. Customary Norms

From the interviews carried out with men and women of various age groups, judges of the Community Courts, religious and traditional leaders, it was observed that in Maputo and Nampula the same patterns of customary norms predominate.

There is a certain unanimity in relation to the passage to adulthood of boys and girls, set by the first menstruation of the girl and the first ejaculations of the boy. The same does not hold in relation to the desired age for the adolescent (particularly the girl) to have sexual relations, to have a child and to be able to get married. The desired age to take on these responsibilities varies as a function of province (the age that is indicated is lower in Nampula province than in Maputo) and of the age of the interviewees (the age that is indicated is lower for adolescents than for the adults).

The idea of sexual abuse isn't static, and it varies as a function of various factors, amongst which sex and age play a decisive role.

As to commercial sexual exploitation, one concludes that this idea corresponds with what is called child prostitution.

1. The Child

The information gathered in the interviews, indicates that there is homogeneity in the two provinces in relation to passage to adulthood of boys and girls. The interviewees of various ages, both in Maputo province and in Nampula province, are of the view that the female child reaches adulthood when she experiences menarche, at roughly 13 years of age, and that the boy reaches this age a little later, at roughly 15 years of age.

The interviewees are of the view that the girl is still very young to have children, due to not being completely developed. In the same way, they consider that, at this age, both the boy and the girl do not have sufficient autonomy and responsibility to set up a family (to get married and to have children). Thus, sexual maturity isn't the only presupposition for marriage and establishing a home.

In relation to the desired age for beginning sexual relations, to have children and to be able to get married, differences were observed between the provinces (a younger age in Nampula province) and as a function of the age of the interviewees (young people indicate an age for beginning of sexuality which is lower than that indicated by the adults).

In Maputo City, like in Ressano Garcia and Marracuene, the adults interviewed and the male and female old people (interviewed as a group), state that sexual relations should start around 18 years old and that young people are ready to get married between 20 and 25 years old. In general, young people consider the commencement of sexuality to be a little earlier than the older generations. Both in Nampula City and in Murrupula, in spite of finding that boys and girls begin to have sexual relations, to have children and to get married, a lot earlier, the adults and old people of both sexes that were interviewed, state that sexual relations should start around 15 to 18 years of age, and that young people are ready to get married at 20 years old. Young people are of the view that the girl may have relations at 12 or 13 years of age and the boy at 14 or 15 years of age. They consider that they can marry at 20 years of age and have children as of this age. On Ilha de Moçambique, where one attached a lot of value to the virginity of the girl, the adults and old people of both sexes tend to associate the commencement of female sexuality with marriage, that is, between 18 and 20 years of age.

In both provinces, the interviewees are of the view that the girl is nearly two years more precocious in relation to the boy, whether in reaching adulthood or to be able to have children and to reach marriage age.

It was found as well that in practice, sexual relations and marriages occur in both provinces at an age which is less than the desired age.

2. Sexual Abuse

In the interviews with Focus Groups with persons in 3 age groups (12 to 17, 18 to 40 and over 40 years of age), divided according to their sex, a questionnaire was applied aimed at identifying the sexual relations considered acceptable and those that are not. The community leaders (religious, traditional, administrative) and Community Court judges were also heard on the issue. For all sexual relations that were considered unacceptable, one sought to identify the existing mechanisms for solving the problem created, the persons involved, the alternatives sought and the most frequent solutions encountered. It was found that, that which is considered an unacceptable sexual relationship doesn't remain static, but varies as a function of that which is considered to be incest within the ethnic group, of the cultural characteristics of the area, of religious and family influence and of the degree of valuing of virginity, of the level of formal education of the members of the family and of the involved individuals, of the sex and age of the informants.

Sexual abuse, defined in the light of Article 34 of the Convention on the Rights of Children, as an "illegal non-commercial sexual relationship", may be understood in customary law as a sexual relationship outside of the marriage, without the knowledge of the parents and when it results in pregnancy outside of marriage or in deflowering (in the communities where virginity is valued).

It should be highlighted that even this definition is contested by certain interviewees, who consider it acceptable to have a relationship outside of marriage (men and women interviewees of various ages) and without the knowledge of the parents (interviewees consisting of young people (boys and girls)). Different conceptions were observed as regards the choice of partner for the sexual relationship and marriage. A greater tendency was found on the part of young people (boys and girls) and in women of all ages, to condemn marriage between an adult male and a young female of 13 to 15 years of age, a practice often linked to marriages arranged by the parents and without a true possibility of choice on the part of the engaged couple (their consent is generally forced).

Different conceptions in relation to sexual violence within marriage were identified, with a greater proportion of women of

all ages in both provinces, condemning the fact that they are compelled to have sexual relations with their husband. The idea of sexual abuse isn't static and it varies as a function of various factors, amongst which can be noted sex, age, religion, ethnicity, race, formal education level, place of residence, etc...

In general, one finds that the sexual relationship is condemned depending on various criteria amongst which are distinguished:

- the degree of kinship between the partners;
- the age of the girl;
- the marital status of the man and of the girl (married or not);
- the status of the man and of the girl in society;
- the conception of the persons entrusted with the education of the girl (religious, philosophical, etc...);
- the existence of visible signs of aggression;
- the state of the girl prior to the sexual relationship (virgin or not);
- the state of the girl after the sexual relationship (if she gets pregnant or not);
- the context of the sexual relation (if the aggressor or the girl are drunk).

As a function of the criteria presented above, when a sexual relationship is considered unacceptable, the first intervention should be to seek a solution to the problem between the families of the sexual partners. If this attempt does not produce the expected results for the injured family, the problem is taken to the traditional or administrative leaders, or to the existing juridical bodies in the area.

Generally the solutions that are sought aim at:

- the payment of a fine (if the girl is very young, if she does not get pregnant, if she was a virgin, if she ends up pregnant and marriage isn't possible);
- marriage and the payment of a fine or payment of marriage compensation (if a girl ends up pregnant).

3. Commercial Sexual Exploitation

The idea of commercial sexual exploitation defined in the World Congress Against Commercial Sexual Exploitation, in 1996, as "sexual abuse (illegal sexual relationship) carried out by an adult involving payment in money or in kind to the child or to third parties", only encounters its equivalent from the point of view of customary law, in that which is called child prostitution.

Child prostitution may be defined, in the context of the customary norms, as a sexual relationship involving an under-age

girl of less than 13 to 15 years of age, with an adult or other minor and the immediate or regular payment, in money or in kind, to the girl or to third parties.

The difficulty in the attempt to establish this definition is related essentially to the age of the girl. As was highlighted above, 13 to 15 years of age is the age at which a girl may be considered adult and consequently may begin her sexual activity. As well, it was shown clearly that the interviewees are of the view that the physiological development of the girl doesn't permit her to get pregnant without serious consequences for her health and that of her child and that she doesn't have sufficient maturity to be able to get married.

From the point of view of the adult men and women interviewees, prostitution of girls is associated with sexuality outside of family control and of the prospect of marriage. For the interviewees (male and female), the border line between uncontrolled sexuality and child prostitution is very difficult to establish. For some of the interviewees, all of the girls who have sexual relations with a partner who has not been introduced to the parents, are prostitutes, even if this partner is also a minor. For other interviewees, girls are prostitutes if they dress in an ostentatious manner and frequent bars and night spots.

The fact that the girl receives material benefits in exchange for the sexual relationship does not constitute a problem in itself. The larger problem identified by the adult interviewees (male and female), is that these relations do not "lead to anything", that is, they do not lead to marriage, and, above all, they will make it difficult to choose a husband considered to be suitable, to the extent to which the "bad behaviour" of the girl will undermine this possibility. Another aspect considered extremely detrimental is the fact of the girl being able to get pregnant without being able to identify the father of the child, which will make marriage impossible, implying that the family of the girl will have to take on the support of both. In turn, the pregnancy will make the possibility of marriage of the girl more difficult.

For young people, the viewpoint of the adults is backward because it aims to limit their sexuality within the prospect of marriage. In addition to the social pressures that are exerted, no penalties were identified for activities of child prostitution. It should be highlighted that the pressures identified are related more with the behaviour of the girl than that of the man or boy involved in the relationship.

II. Maputo Province

The population of Maputo province belongs in its majority to the Tonga² group, which is governed by the system of patrilinear kinship. The lineage, as well as all rights, duties and inheritances, are transmitted via the paternal family, and the residence of the family is virilocal.

The interviewees (male and female) state that in Maputo province, marriage compensation or "lobolo"³ even today continues to be considered one of the most important institutions of the patrilinear system. When the woman marries, she leaves her family to go to live in the lineage of the husband. Polygyny (one man with various women) is given value because it is an expression of wealth and power. It is a guarantee of offspring, who are fundamental for security in old age and for one to be evoked after death as an ancestor. As well, in rural society it constitutes the possibility for the man to have access to female manpower.

The ethnographic literature indicates that, in the rural areas, a group of brothers and sisters used to live with their respective wives and children in the same residential area and under the same family authority. For some of these family groups, migration to the city meant dispersion or nuclearisation of the conjugal units.

Even in the outlying neighbourhoods, the male head of household⁴ is the mediator between the living and the dead, he is the bearer of the deepest values of the group, and his actions should be appropriate for the common good and are based on the cultural norms and customary rules of the lineage.

Maputo City, Mozambique's capital, is the country's largest city (estimated population in 1994 of 1,003,100 inhabitants) with 21%⁵ of the women being resident in this city for less than 10 years and consequently in the process of acquiring new values and behaviours.

² For more information see Junod Henrique A., 1974, Rita Ferreira A. 1967, José Fialho Feliciano 1989 and Ana Loforte 1996.

³ Name for the marriage compensation.

⁴ Household: person or set of persons, connected or not by blood ties, by virtue of living in common under the same household roof or roofs and that share the same budget and food. In the event of polygyny the man is considered a member of the household where he was present on the day of the interview.

⁵ Leonel Leite Lopes e Clara Santos, **Aspectos Demográficos e de Saúde Materno-Infantil na Cidade de Maputo: análise dos dados do Inquérito de Julho de 1994**, MISAU, UEM, Maputo, 1995.

A. Sexual Socialisation

By sexual socialisation is understood, in the context of this work, the long process that begins at the time of birth of the child and by which little boys and girls learn to behave as a function of their sex. Through the way of looking, the manner of speaking, via the family, friends and the media, certain behaviours are induced in young people, producing and reproducing elements that sustain and reinforce unequal relations between men and women.

One sought to identify in particular, aspects related to control of sexual conduct and of the woman's fertility, which is an aspect that is fundamental for understanding how sexual abuse and commercial sexual exploitation constitute component parts of violence against women and are characteristics of the construction of her gender identity.

For that reason, the analysis of sexual abuse and of sexual exploitation of children in Maputo province, is done taking into consideration decisive aspects in the construction of gender relations: the conception of the child's development, the education in "traditional" socio-cultural contexts (conceptions and practices transmitted within the family) and "modern" contexts (conceptions and practices transmitted through the school and the church), the form of constitution of the family and gender stereotypes.

1. Conceptions of the Child's Development

One tried to identify the conceptions of the child's development that orient the expectations of the adults as regards the sexuality of their children.

The male or female child goes through three phases prior to attaining the adult phase. Following birth, the child is tied to mother (first phase). He or she enters the second phase of his/her existence when the mother resumes menstruation. When the child begins to crawl and has his/her first teeth, he/she passes onto a new phase of his/her existence. He/she leaves the world of the deceased in order to be the reincarnation of an ancestor. It is the social birth of the child. This phase lasts until adolescence.

The ethnographic literature indicates that formerly, with the first night ejaculation and the first menstruation, initiation rites were held, marking passage to the adult phase. The information gathered from the interviewees reveals that, in the Province and City of Maputo, puberty rites, a symbolic moment where part of the traditional education was generally transmitted, were disappearing amongst the Tonga groups and

amongst other ethnic groups resident in the capital city. But after various years of decline, the rites are re-emerging. Both in Maputo City and in Ressano Garcia and Marracuene, despite noting that boys and girls begin to have sexual relations, to have children and to get married earlier, adults and old people (male and female) (interviewed as a group), state that sexual relations should begin around 18 years old and that young people are ready to get married only between 20 and 25 years of age. The demographic survey⁶ carried out in Maputo City in 1994 indicates that the average age of women in the first marriage is 18.9 years of age.

In general, young people view the commencement of sexuality a little earlier than the older generations do.

There is a general tendency to consider that the girl matures more rapidly than the boy and consequently she can have sexual relations and get married one or two years earlier than the boy. According to the interviewees, such a conception rests on biological characteristics.

As we understand it, this conception rests on gender social relations based on the inequality of men and women, in which the age of the girl is used as an instrument of discrimination and domination over her.

2. Education of the Child

As a fundamental part of the construction of gender identity, one thing that stands out is the education in "traditional" socio-cultural contexts (conceptions and practices transmitted within the family) and "modern" contexts (conceptions and practices transmitted outside of the family).

2.1 "Traditional" Education

Even if traditionally the child is awaited with joy, the interviewees are divided between a preference for a son or daughter. Male and female children are awaited with expectations that are marked by the gender roles attributed to each sex and which will determine their behaviour in the future.

Women are of the view that a daughter will rapidly come to help in the home and thus for them, the birth of a girl constitutes an aid in housework. Both men and women see in the boy the continuation of the paternal family and in the girl, that which will attract "lobolo", thus allowing the boy to get married. He

⁶ Leonel Leite Lopes e Clara Santos, **Aspectos Demográficos e de Saúde Materno-Infantil na Cidade de Maputo: análise dos dados do Inquérito de Julho de 1994**, MISAU, UEM, Maputo, 1995.

will get married with a girl who will look after them and give them offspring.

Very rapidly the boy and the girl learn to behave like "man" and "woman". The boy learns that authority is attributed to him over the woman, over the household and with responsibility for its support. The girl, on the other hand, learns the central place that her sexuality has in the establishment of a social relationship with another lineage, in the possibility of capturing a high "lobolo" and in the reproduction of her husband's family. Her activities are confined to the domestic sphere. Thus, during childhood is established the framework of the power relations characteristic of gender relations. The interviewees state that circumcision continues to be practised, with the exception of the Ronga who do not practise it. Often this is done in health units in the urban areas and at a much younger age (between 2 and 3 years of age), no longer marking the passage to adulthood, as the teachings cannot be given at this age. Traditionally, the boy could only think about getting married once he were completely adult, and when he would have the possessions required to pay the "lobolo", and the resources for having a house. Prior to that, the boy could court. A sexual relationship with penetration wasn't permitted, but rather a relation with penetration between the thighs was considered to be a normal and very safe sexual practice, to the end of avoiding pregnancy. During courtship, the boy used to offer the girl gifts, a characteristic that underlines the substantial material relationship which is established between young people, and its weight in the definition of sexual relations. If pregnancy results from that courtship, the boy should pay "lobolo" and marry the girl, otherwise the child would come to belong to the family of the girl. According to tradition, pregnancy is a central element in determining the obligation to get married.

In the initiation rites the girls used to receive teachings on hygiene and on how to deal with the husband and their elders. Their identity, centred on taking care of others, was reinforced. A girl should be a virgin when she marries, a fundamental concept for the construction of her identity, because it defines that her sexuality doesn't belong to her but it rather belongs to her future husband, legitimated with financial negotiation and the payment of "lobolo". The "lobolo" also defines another fundamental concept for the sexuality of the girl: the product of her sexuality (her children), likewise does not belong to her. At present, according to the women and girls interviewed in groups, these rites aren't practised any more—mothers often are not even advised of the appearance of the first menstruation. The girls learn from female friends or at school and they deal with

it themselves, alone, a situation that makes manifest a more autonomous construction of female sexuality. One finds that traditional education, symbolically stamped by male and female initiation rites, ceased to have the importance that it had previously, but that a lot of the basic concepts of traditional education remain in the gender ideology and in the customary rules.

So as to understand that which could be considered an illegal sexual relationship (definition of sexual abuse), one chose to gather information on sexual rules and prohibitions. These are fundamental for understanding how sexuality is socially constructed and for understanding behaviours considered transgressive or not.

There is a series of prohibitions related to sexuality:

- Marry persons of the same lineage;
- Have sexual relations prior to puberty, after menopause and during menstruation;
- Have sexual relations after childbirth and during lactation;
- Practise sexual relations in a way that does not correspond to the established norm. The initiative and activity are up to the man. The woman should be passive, and neither take initiative nor express pleasure;
- Have oral or anal sexual relations;
- Have the first sexual relation with a much older man or woman;
- Have the first sexual relation without warning the parents;
- Have relations with women that are not one of his wives;
- Have relations with two men, whether related between themselves or not.

Violation of these rules brings punishments (sterility, anomalies or death). It's possible to avoid or minimise the punishments through practices of a magico-religious nature.

At times the violation of a taboo is to be practised, for example incest⁷, in order to acquire power and break the force of the

⁷ "By incestuous relations are understood relations that a man has with a woman belonging to the following categories:

- From the paternal lineage—paternal aunts, sisters, daughters, parallel and patrilinear female cousins, (sisters) daughters of parallel patrilinear cousins (daughters);
- From the maternal lineage—real or potential wives of the father, that is, (mothers), like mothers, maternal aunts, crossed matrilinear female cousins, daughters of crossed matrilinear cousins,
- Parallel matrilinear female cousins, who are sisters, because they are daughters of the women of the lineage of the mother;
- Crossed patrilinear female cousins (grand-daughters, who are mothers of the potential husbands of Ego's sisters or daughters)."

sorcerers. In order to annul the effects of incest, it is necessary to commit another incest, in a logic of appropriation of the bewitchment by the bewitched.

The analysis of these rules informs us on elements of the construction of the female and male identities. The woman is conceived as possessing a passive sexuality and as a dangerous being (prohibition of relations during menstruation and lactation). The centrality of reproduction is clearly evidenced in the prohibition of oral and anal relations. Male sexuality is conceived in a positive way (active, expressing his desires and needs), in opposition to the passivity of the woman.

With this short presentation, one sought to define the principal points of reference for the construction of male and female identities in the context of traditional education, the context in which sexual relations that are considered illegal from the point of view of customary law are set.

2.2 "Modern" Education

In Maputo province the ideology transmitted by school, church and state is also determinant of the idea of possession of the male or female gender that children develop.

In Maputo, religious education influences in a certain way the conceptions of sexuality of the inhabitants of this province. Amongst the Protestants, Catholics and Moslems it is considered a sin to have sexual relations before marriage, as is adultery. Amongst Catholics and Protestants polygenous marriages (marriage of one man with various women), aren't allowed. Also, no marriage compensation is paid.

Polygyny is anticipated in Islam. The family of the fiance should pay a dowry (it may vary from clothing, gold, furniture, to domestic appliances, vehicles, etc., depending on the possessions of his family) which comes to be the property of the fiancee, even though often (in the case of gold), it may be kept at the home of the mother. This dowry is not given back under any circumstances. The fiance also has the obligation, at the time of the marriage, to arrange for his own house in order to house the fiancee and the future offspring, with a certain minimum of conveniences.

There is also an animist religious current that is still governed by the principles of "traditional" education, that watches out for its transmission and compliance.

Despite the fact that the majority of the persons have family ties to one or another of these religions, their respect for them

Feliciano Fialho José, *Antropologia Económica dos Thonga do Sul de Moçambique*. Doctoral Dissertation in Economic Anthropology for the Universidade Técnica de Lisboa, Instituto Superior de Ciências do Trabalho e da Empresa, Lisboa, 1989.

is not always decisive—they behave more in accordance with their own conceptions, that are already a mixture of these religious conceptions with school education and with the values that society, in rapid mutation, imposes on them as fundamental for their everyday survival.

Formal education allows boys and girls to acquire new elements constitutive of their identities. School has a central role to play in the development of fundamental capacities for admission of the girl into the labour market, allowing her in this way to exercise different power relations from those established in the "traditional" context.

School may, however, reproduce the gender-based relations in the subaltern status of the woman (attitude of the teachers, content of the school books, etc...) just as it may constitute a site of contestation (learning about other models, about the exercise of citizenship, etc...).

Amongst the various education systems, at times contradictions of various kinds are registered. In some cases there are attempts at conciliation, in others there is a total rejection (the case of school sex education programs, in which are explicitly presented questions considered taboo in the traditional culture).

The large influence of information and attitudes arising from other cultures should be registered as well (there is a high number of young people that for various reasons have been abroad) that transmit attitudes and behaviours that distance young people from their original culture. In some cases, they even transmit behaviours that, not being properly contextualised, are taken to be common standards for Western society and for that reason they are rapidly internalised. Such is the case of the uncontrolled exhibition of televised films and commercial films in the cinemas, without any recommendation or control of the age of people who see them, and of the rental without restriction of pornographic films by video clubs.

It is in this context, where a multitude of conceptions and practices coexist, that the identity of the boy and of the girl goes along getting formed.

3. Form of Constitution of the Family

Since the constitution of the family is considered to be the establishment of a socially accepted sexual relationship, characterised by unequal power relations, it was felt to be opportune to understand its characteristics.

In the discussions around marriages, the interviewees (male and female) explained that in the rural areas it is the men that organise the unions of the their sons and daughters. In the same way, it is the men who define the "lobolo" that symbolically

marks the joining together between different families and materialises the circulation of women.

It was found in the interviews, that the power of the man to define the marriages and institutionalise sexual violence through arranged marriages, is being contested by the younger generations (boy and girls) who do not accept getting married without being the ones to choose their partners. Thus, young people clearly manifest a different vision of their rights, understood no more within family relationships but rather as individual rights to control their own sexuality.

The interviewees, men and women, adults and old people, consulted as a group, state that "lobolo" is a necessity in order to guarantee a strong union and protect the woman (material and symbolic aspect). To get divorced, the woman and her family should give back the "lobolo" received. According to the interviewees (male and female), this obligation leads to these unions being solid and difficult to break (material aspect). They consider "lobolo" important for maintaining the link with tradition and with the ancestors (symbolic aspect). But many are of the opinion that the amounts charged are high and that "lobolo" has been transformed into a "business". The amount of the "lobolo" is established by the parents of the fiancée as a function of her qualities (behaviour, schooling, work capacity, etc...), of the possessions of the family of the fiancée, and of their conception of it (assigning of value to the symbolic or material aspect of the "lobolo"). Some interviewees (male and female) offered the opinion that the government should establish a limit on the value of the "lobolo".

Thus, from the interviews the distinction between the institution of marriage with "lobolo", and its practice, becomes manifest. The challenge is located at the material and not the symbolic level.

The interviewees explained that the girl is "handed over to the family of the husband in order to enrich it", that is to say, "to make children who will elevate the husband's family". She goes to live with the in-laws, to work and to take care of them. The "lobolo" marks this obligation in relation to the family of the husband. Marriage with "lobolo" thus establishes power relations within society and in the household, characterised by for the supremacy of older people and of men, over women. It also defines socially accepted sexual relations, setting up a material negotiation.

For the young women interviewees, breaking the rule of "lobolo" is a way to exercise their autonomy, to break with family and marital authority, even if this contributes to greater insecurity for her and her children.

In this context, one can question if "prostitution" isn't in fact inscribed within the strategy identified by women and girls as a

way to exert their power and their individual right to negotiate their sexuality for their own benefit.

4. Gender Stereotypes

By gender stereotype is understood a set of preconceived ideas that characterise the female and male sexes and that form gender ideology. In this chapter, we will seek to present the gender stereotypes expressed by the interviewees (male and female), in relation to preference for sexual relations with under-age girls and related to the obligation for sexual relations to be paid, to better understand the context in which sexual abuses of minors are carried out.

As regards payment of the woman when one has sexual relations, the male interviewees point to the fact that the only woman that one doesn't pay for is one who has been "married through bride price" (lobolada), because she has already been paid for. According to them, one should thank the other women because it is the man who seeks the female partner.

The men and women explained that the practice of keeping (a) mistress(es) may also be considered a form of prostitution, because it's hard to imagine a woman having relations with a man without getting some material benefit.

It is in this context that Samuel, 42 years old and resident in Ressano Garcia, married, with 7 children, told us:

"A man is a man, he gives the maximum that he can, but taking care to not having anything get back home. The kind of payment that I give, depends. I give gifts to intimate female friends. To those on the street I pay on average 30,000 MZM, in order to prove to them that one is able to protect them. At any time they can count on me."

On the preference for girls, some stereotypes transmitted by both men and women were collected from the interviewees (male and female):

- "A person can like both pigeon and young pigeon";
- "Fresh maize hurts the teeth less than dry maize";
- "The little girls give men vitamins; eating raw things provides vitamins";
- "The smaller the better";
- "Girls have less STD";
- "Maputo is a paradise for foreigners, the girls climb all over us."

The preference for girls is justified through various arguments that essentially pander to the pleasure of the man. Most recently, they also present as an argument, reduced STD contagion, without taking into consideration the risks for the girls.

These stereotypes render banal the violence against the girl and, in the same way as the images transmitted in the media (rape, pornography and use of women and girls as sexual objects), they negatively influence the community in general and children and young women in particular.

Various interviews with men characterise the conception that they have of the sexual relationship with girls. Pedro, 39 years old, worker for an NGO, lives with his wife who is a functionary in a Ministry, in the Central neighbourhood. He related:

"I have had relations with a hundred women and girls, in the majority prostitutes, in order to experiment and try new women. I believe that many men like me, prefer under-age girls, amongst other reasons because they think that they run a lesser risk of contracting STDs. Since I heard about AIDS I have been using a condom. Before, I wasn't concerned about them getting pregnant, because since they go around with many men, they couldn't come and make demands on me later."

The conception according to which the woman is a sexual object, legitimizes the great number of partners. Both men and women explain that:

- "The man likes to vary his meat";
- "The man is a dog who moves around a lot".

These stereotypes characterise the male identity, marked by intense sexual activity.

5 adult women in Ressano Garcia provide the following testimony: "The man is a dog who moves around a lot. He can go to bed with any woman whatsoever—it's enough that he go home and respect his wife and doesn't leave her to raise the children alone".

One thus encounters the existence of a series of stereotypes whose function is to legitimise and reproduce sexual relations based on inequality between men and women. In these stereotypes, the woman is considered to be a sexual object, which is a situation that violates her rights as a human being.

B. Sexual Abuse and Commercial Sexual Exploitation

The categories in which the interviews were grouped together, are established as a function of the reality encountered, taking into account international concepts and having as their basis two criteria, the first being the involvement of a payment in money or in kind, and the second being who commits the sexual abuse. These aren't rigid categories, given that an individual may, depending on concrete situations, pass through various of these categories in the course of a given time period.

Before moving on to the presentation of the situations encountered, we analyse the information and cases recorded in various structures (Health, Justice, Education, traditional authorities, police and administrative, religious institutions and NGOs).

It was found that there are cases of sexual abuse, but no situation of commercial sexual exploitation was registered with the police or in the courts.

The analysis of the existing documentation and the gathering of quantitative data in the institutions that deal directly or indirectly with sexual abuse and commercial sexual exploitation, permitted to be evidenced the absence of recourse on the part of the victims to these levels. This situation is one of the elements in the construction of gender identity, and illustrates how sexual violence against the girl is made worse through the social context: being ashamed to inform against the acts perpetrated, a lack of access to information, protection and legal support, an inadequate effort on the part of the public authorities to promote collective consciousness and to reinforce the existing laws, in order to stop violence against women.~

Cases Registered in the Various Structures

Data from Maputo City (4 quarters in 1995 and 1996), indicate that between 25.9% and 29.1% of the cases of STDs are related to minors of less than 20 years of age. This percentage is growing and constitutes a concern for the health authorities.

A study carried out in Maputo⁸ with 100 prostitutes, identified 3 groups with distinct characteristics, as a function of their income (high, average and low). The women with higher income are younger, with a higher level of formal education, and they have fewer clients per weekend than the others (4, 8 and 8.7 respectively). The women in the two categories with higher income used condoms more than the other group.

A survey⁹ carried out in 1996, with 717 persons from 15 to 44 years of age, in 3 neighbourhoods in Maputo City, indicated that in their first sexual relations, 3.6% were compelled and/or raped

⁸ Manjate Marlina Rosa, **Sexually Transmitted Diseases: Health Seeking Behavior, Knowledge, Attitudes, and Practices Among Women Factory Workers and Street-Based Commercial Sex Workers in Maputo, Mozambique**, A thesis submitted for the degree of Master of Public Health, University of Washington, Washington, 1996.

⁹ Médecins du Monde e AMODEFA, **Inquérito: Conhecimento, Atitudes e Práticas em DTS/SIDA e Planeamento Familiar**, Médecins du Monde e AMODEFA, Maputo, 1996.

and for 1.2% it was in the course of a rite. Another study¹⁰ carried out in 1993, with 323 students (134 boys and 189 girls), between the ages of 13 and 23, indicated that 8.2% of the girls and 3.5% of the boys state that their first sexual relation was by force. The same study indicated that 33.1% of the boys and 33.3% of the girls agree with a female student arranging "friends" in order to have a better life.

Data collected in the Department of Legal Medicine of Maputo Central Hospital, indicate for the year 1996, treatment of 83 girls less than 18 years of age for rape (a monthly average of 7 cases). 26 girls (31.3%) were less than 12 years of age and 3 (3.6%) less than 5 years of age. In 40 cases, the aggressor wasn't a person known to the victim. All the cases were directed to the police and in 37 cases (44.5%), no medical reports were taken.

The consultation service for victims of violence, of Maputo Central Hospital (treating persons up to 25 years of age), whose activity began six months ago, attended 38 female minors less than 18 years of age who had been raped, 1 (2.6%) being a minor of under 5 years of age and 28 being under 14 years of age. In 15 (39.4%) cases, the aggressor wasn't known.

Still in relation to the year 1996, in the Department of Obstetrics and Gynaecology of Maputo Central Hospital, 43 cases of rape of minors under 18 years of age were recorded, with 20 (46.5%) being less than 12 years of age and 3 (6.9%) being less than 5 years of age. It is observed that in this service, the proportion of girls less than 12 years of age is greater than in the Legal Medicine service, because the concern of the families is the health of the girl, which it isn't necessarily connected to the lodging of a complaint with the police.

A study carried out in the Maternity Facility of Maputo Central Hospital¹¹ indicated that "death related to induced abortion represented 25% of direct and indirect infectious causes and 16% of direct maternal mortality". The same study alluded to the fact that women of less than 20 years of age represent 44.3% of the women that enter the maternity facility to deal with the consequences of a clandestine abortion. Many of the cases of abortions in minors are, according to informants connected to this sector, the consequence of violence against the girl (rape, abuse of a teacher's or other person's power, and prostitution).

¹⁰ Santos Balbina Dorsan dos e Arthur Maria José, **Comportamentos, Atitudes e Práticas entre Jovens Escolares**, MISAU, Maputo, 1993.

¹¹ Bugalho António, **Perfil Epidemiológico, Complicações e Custo do Aborto Clandestino, Comparação com Aborto Hospitalar e Parto, em Maputo, Moçambique**, Thesis presented to the Faculty of Medical Science of the State University of Campinas for the Degree of Doctor in Medicine: Toxicogynaecology Area, Universidade de Campinas, São Paulo, 1995.

In the Judicial Tribunal of Maputo City, a case was tried in 1996 of attempted rape, with the defendant convicted and given a sentence of 4 years in prison, and a rapist was convicted and given a sentence of 8 years in prison. The aggressors were over 40 years of age. The information on the age and sex of the victims was omitted. In the same year a case of gross indecency was tried, with the defendant convicted and given a sentence of two years in prison; the defendant was over 40 years of age but the description of the case is unknown.

The informants are of the view that persons entrusted with the education of the minor, generally prefer to have financial compensation, and they go to the police station in order to apply pressure on the aggressor, threatening him with imprisonment. The cases taken to court are generally of adults who want to clear their name in the eyes of the husband. Unfortunately, we do not have precise information in this regard.

Maxaquene Neighbourhood (Maputo City)

In 1996, in Maxaquene circle, there were two cases of rape of minors that were presented. One of the cases was dealt with between the two families, before the Dynamizing Group. The solution was to apply a fine to the aggressor. It isn't known what has occurred in relation to the second case. Cases of rape of minors appear in Community Court, which are directed along with a file to judicial court, and we did not have access to detailed data.

In Kurhula Primary School, they are of the view that cases of pregnancy are the responsibility of the family, with the school confining itself to transferring the girl to night classes. If it happens with a teacher, generally he has to take on the responsibilities and marry the girl. The informants state that the teacher is transferred to another school, with a disciplinary note.

In Mavalane Hospital we were informed that they only treat cases of sexual abuse upon presentation of the police document. We did not get detailed data.

In the 11th Precinct Police Station, cases of rape of minors have been directed to the courts, with an average of 2 cases per month. We did not get detailed data. They informed us that they issue a document for the victim to present in the hospital. In relation to prostitution, there were no cases presented, since they consider that the work of the police is only that of protecting persons from aggressors and murderers.

Marracuene

In the town of Marracuene, the interviewees are of the view that child prostitution isn't a phenomenon that affects them and, if

there are girls that have relations with various men in exchange for goods or money, they are in an extremely limited number. In the Police, in 1996, 3 men were taken to court due to having been found in the act, having sexual relations with minors. We did not have the possibility of knowing what follow-up was given in these cases, given that in the District Court there were no cases recorded in that year.

In the maternity facility there were, in 1996, two cases of sexual abuse of children of 12 years of age by unknown individuals, when they were walking alone to the farm plot.

Ressano Garcia

In the town of Ressano Garcia, we were presented with a situation that is distinctly different from the other places visited in the course of this appraisal. Due to the existence of miners in the town over a long period of time, waiting to receive their wages or to deal with the documentation needed to go to work in the mines, there is a lot of prostitution of minors. The girls come from Maputo, Xai-Xai and Inhambane to lay up money. The situation is at such a dramatic point that, men and women interviewed as a group, are of the view that the life of the town is disturbed and they ask for there to be an intervention.

There are around 100 boys and 3 girls that live on the street. There was one case, in 1996, of rape of a boy of 10 years of age, known to an organisation that works in the area.

There are private restaurants and dwellings where the girls come together to live. We got information that sometimes they are expelled by the residents.

At the level of the District Court, no crime of sexual abuse was recorded, nor any of prostitution. We did not get the chance to speak with the person in charge of the PIC in the town.

In the hospital there were 3 rapes of minors in 1996, of ages from 13 to 14 years, brought by the police. There are 5 cases of residents of the town with AIDS.

A case of a father that had sex with his three daughters was reported by the interviewees, adding that the neighbours don't do anything, confining themselves to not visiting the family.

1. Sexual Abuse

In this section we present the different situations recorded in the discussions that were held in the Focus Groups of old people, adults and young people, of both sexes, in individual interviews with sexually abused minors, as well as in interviews with abusers of minors and clients of under-age sex workers, carried out in the province of Maputo (Ressano Garcia and Marracuene) and in Maputo City (Maxaquene neighbourhood).

As was explained previously, in the Convention on the Rights of Children, sexual abuse is defined as an illegal non-commercial sexual relationship. In relation to the term "illegal" that is used, and in the absence of greater clarification, it is understood that it must be considered in the context of Mozambican and international legislation. A minor is understood to be a child under 18 years of age. Consequently the cases that stand out are those of sexual abuse perpetrated by family members and sexual abuses committed by outsiders.

1.1 Sexual Abuse Perpetrated by Family Members

A study carried out with 204 street kids (boys and girls), by "Doctors of the World" and the City Social Welfare Directorate¹², indicates that 24.5% of the children left home because of violence. As regards the girls, the report points out the fact that the violence that the girls may refer to, is incestuous. "For the girls, the causes of leaving home are more hidden. The majority responds at first that there was no reason—that it was "for no reason". One then observes (from the discussion), a change in attitude or a refusal to reply, which allows one to see that the reason is much more serious. Violence on the part of the parents was often mentioned. It's possible that there is a chance of incest."

Amongst the sexual abuses practised by family members, two kinds of situation can be distinguished, one in which the sexual abuse perpetrated by the family is directly related to magico-religious practices, and others that are not.

1.1.1 Magico-Religious Practices

There were sexual abuses of children reported by the interviewees, connected to magico-religious practices. Those who have this kind of relation believe that strong sorcery carried out by someone, can only be undone via a transgression of the common rule, and there are many cases in which the treatment indicated, is incest. The interview below illustrates this situation.

"What's your name?"

Amélia Nkata Kokuana

Why is it that you are called "Amélia Wife of Grandfather"?

Because this child that you see here is the daughter of my grandfather. He had to fulfil the family's promise, made to the traditional healer; there was a spirit originating from my mother's family that was incarnated in me and that was perturbing my grandfather's sexual life. The way that they

¹² Medecins du Monde e Direcção de Acção Social da Cidade, **Um olhar sobre as crianças da rua em Maputo**, Medecins du Monde e Direcção de Acção Social da Cidade, Maputo, 1996.

arranged to cast out that evil spirit, was for me to sleep with him. I got pregnant, at 13 years of age.

How do you manage to feed your children?

A woman is a woman! I "get by"!

At home do they see your "getting by" in a good light?

How could they fail to? They are also hungry. When I sleep in until late afternoon, they wake me up to go down to the street. If it's my grandfather, he even pours cold water on top of me to get me out of bed."

The cases of incest motivated by magico-religious practices, are considered by the interviewees to be the most secret of illegal sexual relations.

1.1.2 Not Connected to Magico-Religious Practices

Cases are also recorded, of sexual abuse committed by family members that aren't directly related to magico-religious practices, as is attested to by the statement made by a mother residing in an outlying neighbourhood of Maputo City.

"It all began when my daughter was 2 years old. I surprised her father laying down on his back and the baby playing with his erect penis. I went to call my parents and family, and I left the house. Later, he had an accident. I forgave the man, but in January of 1996, he entered the room where I was sleeping with the children and, very slowly he slipped his penis into the anus of the same girl, who was sleeping belly-down. I had to take her to the hospital, as she was bleeding. When my mother sought to find out about the case, he said that if didn't like his behaviour, I should withdraw from the house together with the my children; my mother left the house, sick from the rape of her grand-daughter, but she has nowhere for me to stay. In addition, I have already lost time on this house and I have spent a lot on its construction; I didn't know that later he would behave this way. At the police station they had promised me to continue with the case until the verdict; I took the documents there, but now to my astonishment the police say that the man isn't able to do his sentence in prison and Social Welfare in turn says that it cannot intern the man. He returned home and promises to sleep with all the daughters. My daughter who was raped is already mentally retarded, she doesn't advance at school. I end up not knowing what to do, given that the legal institutions aren't able to help me. For that reason I have had an idea to arrange drugs in the hospital to kill him, but I fear that afterward they'll punish me. I can't leave home, nor can I go to the bathroom and leave my daughters alone with their father. I have no one to sleep with, because he is my son-in-law and I can't do anything from the outside because it won't work. I'm asking for help".

The interview carried out with this woman illustrates the existence of sexual abuse perpetrated by family members. Despite this mother wanting to find a way out the problem and to keep her husband away from her daughters, she encounters no mechanism for resolving her situation, thus illustrating the inadequate efforts of the public authorities in applying the legislation, promoting sanctions for the criminals and protection for the victims.

The interviewees identified various occurrences of sexual abuse carried out by family members, stressing the difficulty in resolving these situations, in that they have a more private character than the others. Generally speaking, according to them, the family members try to resolve the case amongst themselves.

1.2 Sexual Abuse Committed by Outsiders

Amongst the cases of sexual abuse committed by people from outside, many cases that were gathered illustrate how sexual coercion leads to an uncontrolled sexuality and prostitution. The following interview presents this trajectory.

"I saw blood for the first time at 13 years of age when I was raped by the domestic servant in my parents' house. He was around 22 years old. My parents didn't notice anything and we continued to have relations whenever we could. I got pregnant in the same year and my parents discovered. They sent me to the district to give birth and to look after the baby. It was in fourth grade and I stopped studying. I had many lovers, up to three a week. Sometimes they gave me something or other, but I didn't do it for money. At 17 years of age my parents called me to live with them in Maputo, and to continue to study. I didn't manage to study. I went to school but didn't do anything, I used to find boys and men and went around with them. At 21 a man impregnated me and I had to stay at his place. If I picked up someone, I did it. It was a little difficult because my husband used to monitor me a lot. But I did it whenever I could. I had a third child and right afterward I separated from my husband. Now that I am 30 and have 3 children, I do that as a way of earning a living, because I don't have work. I sell some things at home, drinks to attract the men. I discovered last year that I have AIDS. For that reason I started to use condoms in order to try to prolong my life. I want to stay with my children as long as possible, given that they have no one to take care of them. It isn't easy to convince men to use condoms. Some refuse, but in those circumstances I don't have relations with them. It is for prevention."

Almost all the cases of rape are carried out by adults that manage, by force of threats, to silence the child: the fear of reprisals on the part of the rapist, associated with the shame and fear of being considered a prostitute and rejected by the family, as well as of violent attitudes on his part, form the framework of terror in which the spectre of pregnancy also plays an important role.

When there is a pregnancy, the family ends up finding out and it can pressure the rapist to "pay bride wealth (lobolo)" and marry her. Sexual violence against the girl is thus transformed into a legal sexual relationship, a fact which, as we see it, banalizes and legitimizes the violence against the girl, denying the girl the right to protection, including penalizing the crime committed against her.

The case of Tina, 32 years old, illustrates this situation. Tina was raped at 16 years of age, by the father of a female friend at whose home she slept. He impregnated her and the family asked for

the rapist to "pay bride wealth (lobolo)"; this he accepted, but he never actually paid the "lobolo". She explains:

"Sadness took over my life: you see, my parents were poor, there was no money at home to terminate the pregnancy. Today I live without hope. I have two children and men do not accept marrying women like me, no one wants to take care of other people's children; what I do is just spend time with married men that only want sexual fulfilment and nothing else; the truth is that they give me something or another like money and food. For me, sex is part of survival; without it, many women would be in a difficult and impoverished situation. I work, I am a domestic servant for a foreigner, I earn 250 contos [= 250 thousand meticaís]. My two children are now going to school and that money isn't good for anything, so I opt for arranging friend to help me with the expenses. I don't think of myself as a prostitute, because I don't walk the streets. I have friends that are married, with whom I sometimes stay for some time, but one day everything comes to an end when the woman discovers, and when that happens I go out and arrange another man, always one who is to my liking and with a good heart."

But, in the cases in which the family does not demand marriage, or this demand does not encounter an answer on the part of the rapist, following the birth of the child the girl comes to face a dramatic situation within the family; on one hand, the family don't have resources to feed another mouth; on the other, she is too young to find work outside, she has little schooling since in the majority of the cases she stopped studying because of having been impregnated, and so she thus hasn't got a lot of alternatives open to her.

Joana, 37 years of age, living in the city of Maputo, Anglican by religion, a vendor and owner of a takeaway, was raped at 12 years of age by a neighbour who impregnated her. She told us:

"This child is now 24 years old, the first of my 8 children. I didn't marry that neighbour; everyone was against him and I also didn't want to. I arranged a boyfriend who promised to marry me, when I once again become pregnant. The child was born and he didn't want to get married. Now with two children and many responsibilities, no one wanted anything serious with me. Everyone points at me because of the rape and of the children that I had without being married. In addition of these children, I had 3 abortions, at 17, 21 and 25 years of age. I decided to start to go out, to see life in another way. The idea appeared because of there always being a commotion at home—I needed things that I couldn't ask for. When I was 18 I met my first young man, an older guy, who bought me 2 tins of milk, pablum and some sandals. Sometimes I arrange one a year, a sort of "sponsor", more or less fixed, but they aren't persons with whom one lives. Of course everyone who I come across knows that I have many boyfriends. It doesn't matter to me what they call me, I only want to raise my children in peace. I don't need to go out either, they come to me here; the only thing is that it's necessary to serve them well, to make good appetizers and dress well. I don't earn on a daily basis—I count on my "companions" at the end of the month. Some go to the point of giving 1500, 2000 contos. I now have a kiosk thanks to my body. I would like to open a restaurant. The people who live

on that money are my children, who study in private schools. This neighbourhood is full of that life. The women that you see there dripping with gold and with nice suits—where did they get them? They have lovers who give them money. Almost everyone who isn't married, has sexual relations in exchange for gifts and money."

Cases were identified as well of children raped during the war. These children, having taken shelter in the nearby towns and cities, with no family, may turn to prostitution hustles for their survival.

Born in Moamba, 15 years old and a prostitute in Ressano Garcia, Laurinda was raped by a soldier. Her family died in an attack during the war, and she fled to Ressano Garcia with a group of people. After one week, she began to have sexual relations for money. She never again came back to see the family that stayed in Moamba. She relates that:

"Of my female friends, some are from here and others not, others fled the war with their families, arrived here and began to find a way to get by. The girls are occupied in this activity due to a lack of employment and money. It is the suffering that compels them. There are others even younger than me. Selling knows no age limits, a person sells when he/she needs to sell. The income from the business depends, at times they are 2 or 3 per night, at times there is nothing for many days. They pay us with money or with food. When there are miners and foreigners it is better, we manage to earn as much as 250 Rands. I buy a lot of things for myself, I pay for the room where I sleep. I don't go around asking for bread from anyone. I could be in charge of a bar—I know everything about bar work, since for 3 years now there's not a day that I don't go to a bar at night. I would like to sell things, to go to South Africa to buy merchandise and sell here, like many women do."

There are children who run away from home, through a spirit of adventure, a lack of social conditions and due to being victims of ill treatment or of incest. They join together in general with the already-existing groups in the street, where sexual abuse on the part of adults is common, as is that of the younger ones by the older members of the group. A social worker explains:

"A girl of 12 years of age, living in Freedom neighbourhood, "parked" for the first time on the street, in the Gil Vicente area, for a week. Some female friends who were already veterans on the street, took her to an area called X, where there are mature men mixed up together with boys. It took less than a week and this girl was raped by 8 boys. After that, she felt very badly and went home, accompanied by a psychologist. The mother and step-father didn't display very much surprise at the situation. They say that they know that the boys that live on the street are normally victims of sexual abuse and ill treatment where they sleep."

In none of the cases collected was there presentation of a complaint to the police or any other structure, even when the aggressor was known. Sexual abuse is considered a private matter of the family and the girl. One finds a tendency, when it's

possible, to seek to make acceptable the sexual abuse, with the attempt to marry the victim off to her aggressor.

2. Commercial Sexual Exploitation

Commercial sexual exploitation is defined in the statement adopted in 1996, at the World Congress Against Commercial Sexual Exploitation of Children, as "sexual abuse carried out by an adult involving payment in money or in kind to the child or to third parties".

The analysis of commercial sexual exploitation was therefore based on a study of the beneficiaries of the exploitation. The cases were distinguished in which the beneficiary is the child him/herself, from the cases in which the beneficiaries are third parties.

2.1 Commercial Sexual Exploitation for the Benefit of Third Parties

Amongst the third parties that benefit from commercial sexual exploitation, are to be distinguished those who belong to the family group and those who don't.

2.1.1 Organised Commercial Sexual Exploitation by Family Members
Family members of the girl may benefit from commercial sexual exploitation through "lobolo", from a fine levied for deflowering, from a fine for impregnation, and from the avails of prostitution.

Each one of these situations is to be found classified in the category of commercial sexual exploitation, due to constituting illegal sexual relations from the point of view of international law, as they involve payment in money or in kind to third parties, even if from the point of view of customary rules, these constitute the norm.

In the event of forced marriages, these relations are illegal because they violate the rights of the girl "to freely choose her spouse and only contract marriage of her full and free will" (Article 16 of the Declaration on the Elimination of All Forms of Discrimination Against Women).

a. Marriage Compensation: "Lobolo"

The discussion with the interviewees around "lobolo" was extremely fruitful, displaying differences of viewpoints. In general people are in favour of "lobolo" as a symbol of the union between two families, because of the ceremony performed for the ancestors. But there is a certain displeasure in relation to the increase in the amounts of the "lobolo". Different groups of interviewees are of the view that the amounts should to be lower,

more negotiated between the families. Many people consider that formerly "lobolo" wasn't so high.

A resident of Ressano Garcia explained:

"Now the value of the lobolo is very high, it is a business, in the groups with money "lobolo" isn't less than two million meticaís, but the presents may amount to 4 million. "Lobolo" has lost the symbolic value that it once had. A certain amount is demanded as a function of the education of the girl. She has completed 9th grade, therefore it means that this daughter will produce wealth in her husband's family, she will work for this family. She will not bring benefits to her parents, so the "lobolo" must reward the money that I invested in her. A high "lobolo" means that I have a well-brought-up child".

A large part of the marriages with "lobolo" are carried out with the consent of the girl. To the term consent, we would prefer the term free choice, as is expressed in the Declaration on the Elimination of All Forms of Discrimination Against Women.

The idea of sexual abuse and of coercion includes situations such as for example the case presented below, in which cultural expectations lead to a girl marrying and providing sexual services to a man who is not of her choice. The girl consents in the face of pressure.

Maria, born in Macia, 38 years old, is married and has 3 children. She explains:

"At 17, I had to accept the marriage proposal. First because it was a relief for my parents in terms of expenses, and they needed the money from the "lobolo". Second because I already felt myself to be mature enough to meet the challenge of a home and envied my female friends in the village, some pregnant and a few others already with babies. It was just that I had bad luck, because in spite of having begun having sexual relations with my husband even prior to living with him, I would end up conceiving only four years after, when he was getting ready to arrange a second wife."

In certain cases the marriage is defined by the parents without there being any choice, nor consent from the girl. As in the majority of the cases of marriages arranged by the parents, what is in question in including these cases in the classification of sexual abuses, isn't only the existence of a sexual relationship with payment in money and kind to third parties, but also the existence of coercion and violence against the child.

Arminda, 16 years old, married, living in the town of Marracuene, had her first sexual relationship at 14, with a neighbour. She explains:

"One day they called me home to say that I had to get married. His family went to my parents' house to inform them that they needed me in their family. My parents told them that I was not a virgin. They didn't care, even so they wanted me, they went and delivered the "lobolo" to my family and me and had a party; at night I went to their house. I cried a lot, because he was a lot older than me and I liked another boy, but my family didn't know. I fled once, I went to X., but at the end of three days they discovered me, brought me back and beat me a lot. Now I just work for him

and his family, now I'm used to it. It's just sad because I'm not studying, nor can I go to shows in the town."

In this category of commercial sexual exploitation characterised by the payment of "lobolo", are to be found different situations in which, aside from the existence of payment in money and in kind, one finds acts of coercion and violence against the girl.

b. Payment with Shelter and Sustenance due to Pregnancy

As a general rule it is in practice in the cases in which sexual relations get translated into pregnancy, that the family of the girl demands that the boy and the girl get married, even if this relationship were considered fleeting by both of those involved. In this case, the girl is handed over to the boy and to his family in exchange for sustenance and shelter for her and her child. Sometimes a demand for "lobolo" may be registered, at other times it is demanded but the promise isn't kept. These situations, aside from being characterised by the existence of a sexual relationship involving payment in kind, given that the boy is entrusted with the feeding and seeing to the survival of the wife and child, are characterised by coercion against the boy and the girl, as is illustrated in two of the statements gathered.

Mário, a painter, 25 years old, living in Maputo, had his first sexual relationship at 17, with a woman of 25. He explains:

"She hooked me and I went for the experience. The family compelled us to get married: that was just an ambush mounted by her family. At the time of the marriage I had to make a commitment before God that, after all, I was the one who had impregnated her. She fell behind in her life and I always had to make arrangements outside, at home it didn't work to do anything with my wife. Now I am relieved, after getting divorced, I have another wife whom I like very much. This takes place frequently in our African families, getting married through obligation. Now there is less of that but, on the other hand, more people get married because of financial interests."

Abdul, 38 years old, government functionary, married with 2 children from that marriage and one child outside of it, had his first sexual relation at 15 years of age, with a classmate from the college, of the free will of both. At 19 years of age he was compelled to marry his current wife, whom he had impregnated. He told us:

"The first thing that occurred to me was that now I couldn't make love with other girls. The worst thing was to have to affirm that it was of my own free will that I got married! What's more, I was a student and I had to stop studying for 2 years, to go to work in order to support the child. She never went back to school. Now she is the mother of my children, we live in the same house but I have my own life, I have someone whom I like and with whom I "go around". It's not worth the trouble to get a divorce—that would have implications of various kinds. We do well like this—when she "needs it" and shows interest I "give it to her". But that person does nothing for

me sexually, outside the home I always did "better things" than with her. It is more frequent that people marry against their will as compared to marrying because you love someone. At present things are changing a little, people learn to speak but what messes us up is the money. Everyone is after it, it isn't just women—men are also "on the hunt" for women with money to marry."

In this interview, Abdul explains how, with the passage of time, he gradually took on the role of father and husband that had been imposed on him socially and how he finds forced marriage a justification for having sexual relations with mistresses.

c. Fine for Impregnation

When the boy or man who impregnated the girl doesn't accept marrying her, the family demands the payment of a fine. This fine is considered to be equivalent to "lobolo" and varies from family to family.

This fine, as its name indicates, isn't conceived of as alimony for the children, but as the price to pay for the depreciation of the value of the girl and for not respecting the rule that marriage imposes.

In these cases one observes the existence of a sexual relationship involving a payment, generally made in money, to the family of the girl. The relationship may or may not have involved violence.

d. Prostitution

With the term prostitution, one intends to characterise situations involving a payment for each sexual encounter or a regular payment for such encounters.

Sometimes the girl is persuaded by family members to prostitute herself. They claim that she does nothing, that she brings nothing home, that she only spends money. In other situations, the girl is explicitly forced to prostitute herself.

The evidence collected from a girl in Ressano Garcia illustrates this situation:

"I am 15 years old, living in Maputo with my brother and sister-in-law. My parents live in Gaza province. I am here in Ressano Garcia because I have a hard time at home, they don't give me enough to eat, they don't buy me anything, I don't even have thongs. I started to come here last year, when I was living with an aunt. It was in her home that I was obliged to have sexual relations for the first time. I was afraid, but she told me that I would get nothing to eat if I refused. In order to eat, it was necessary to sleep with porters, thieves, stevedores and car guards. She kept the money and gave me nothing. One time, she suspected that I had stolen some few capulanas and compelled me to sleep with men until I reached the value of the capulanas, and didn't even tell me how much each one cost.

Here we live in a rented house. During the night we go around in the Ressano Garcia station, where we obtain money. We sleep with miners and any and all persons who show up with money. The amount depends—we accept 25 or

50 ZAR, it is very rare for someone to manage 100 Rands. Aunts coming from Maputo at times manage 150 ZAR. Here in Ressano there are many houses for that kind type of business. The miners sometimes try to run away after they have relations with us. We know that there is AIDS and STD, but poverty obliges us. We have asked the men to use condoms but not all of them accept. In order to avoid getting pregnant, we take traditional cleansing drugs, 3 times a day."

In interviews carried out with adult men and women and old people of both sexes, we find that many believe that sometimes, the families are in a certain way accomplices of the activities of their daughters. Even when the girl doesn't encounter the complicity of her father or mother, she has the support of an aunt, brother or other family member.

The interviewees also insist on the difficulty in controlling children and are of the view that many children sell sexual services without the knowledge of the parents. They explain that if the parents discover the girl's activity and enter into contradiction with her, the crisis may lead to a rupture in the relationship and expulsion of the girl from the house. In certain cases, as is illustrated by the interview presented below, the family is enticed and ends up compromising with the girl.

"I'm Lúcia. I'm 17, born in Maputo. I have 4th grade and live with a female friend. I had my first sexual relationship at 15, out of love, with a boyfriend of 17 years of age. I was led into prostitution by a female cousin, when I was 16. I went with her to a bar where I met a man of 40, a foreigner, who took me to the Hotel Polana. He gave me 30 contos and 10 dollars.

Now I get clients along the seaside road, a maximum of 2 or 3 per day. I ask for between 100 and 150 contos for a sexual encounter. I also accept presents if they are good.

I have a boyfriend who sells cassettes in the city centre; he knows of my activity. With the money that I earn I usually buy my food, I help my boyfriend, but I don't give him cash as such—I sometimes buy him those things that he sells. I also help my female friends and my parents. My family knows of my activity but pretends not to know."

It is obviously difficult to define clearly if the child is corrupted by family members, by outsiders or if the commercial sexual exploitation is managed by the child. Some situations are more explicit than others. The children can, in the course of their sexual experience, go from one situation to another.

2.1.2 Organised Commercial Sexual Exploitation by Outsiders

In certain cases, the commercial sexual exploitation is facilitated by persons outside the family group and who benefit from it. This is the case of rental of rooms for sexual encounters, and the use of girls to serve in bars and restaurants and attract clients. In other cases it is made up of the obligation to have sexual encounters to pay a debt or under threat.

Lina, 18, now lives in a specialised centre for children in Maputo City. She relates that:

"Formerly I lived with my mother and brothers and sisters. My mother goes a long time without coming home, at times one or two months. My father passed away. I left home because of not getting along with my older sister—we used to argue all the time because she didn't like me hustling. When I was 11 I decided that I should leave them and I came to live with a woman, who was a friend of my mother—they used to drink together and they used to live in the same house. When I was 12 years, I had my first sexual experience with a boyfriend. He washed and guarded cars. He was older than me. In the beginning I was afraid of having relations with him, but he pressed me and took me by force. He is now in South Africa. After that I got sick, through having relations with an adult. This woman spent her life arranging men to sleep with us; she kept the money, we didn't even know how much she used to charge. At the same time they were her clients, they used to drink in her house. She has lived with 3, 4 or even 5 girls to carry on the business of sex, but they don't stay long because she takes all the money. The city police used to beat us and used to take our money and also slept with us on the street corners."

Amongst the sexual abuses perpetrated by people from outside, is also included those practised by tourist operators.

An article published in the Portuguese newspaper *Público* alerts its readers to Mozambique's trend toward becoming a paradise for sexual tourism: "One European tourist operator who at present organises tourist packages in Mozambique, considers the prostitution of minors to be a resource to be exploited and which in the short term may become a greater attraction, vying with the beaches and the seafood. Anonymously, he disclosed that he plans to introduce this year, "a few nude black girls" in his brochures, extolling the country's wonders. In his opinion, now that "Thailand and Sri Lanka are so burnt out", the tourist operators are turning to Mozambique. "There is tremendous potential", according to him¹³.

Kidnappings and trafficking in children have been recorded, that may be classified amongst those sexual abuses perpetrated by people from outside.

During the National Seminar on Child Prostitution and Sexual Abuse of Minors held in Maputo by MICAS, from February 5 to 7, 1997, some participants made reference to occurrences of kidnappings of minors in some institutions with children's residences, as well as cases of trafficking in children for export.

2.2 Commercial Sexual Exploitation Managed by the Child

Amongst the cases of commercial sexual exploitation for the benefit of the child him/herself, innumerable situations could be

¹³ José Pinto de Sá, *Moçambique: Novo Paraíso de Turismo Sexual?, Paisagem com Meninas e Mar ao Fundo*, In: *Público*, Lisboa, March 22, 1996.

registered. The girl or boy prostitute themselves out of imitation, in order to buy superfluous goods, in order to maintain a drug habit or to meet their basic needs. Generally, the interviewees in groups, both men and women, indicate poverty as the cause of the prostitution phenomenon. They point out as well as a reason, the introduction of Western culture through films and video, and children watching pornographic films.

In Ressano Garcia or in certain areas of Maputo City, girls are organised as a group, they live together, they divide their possessions and at times are protected by boys who bring sexual partners to them.

Zaida, interviewed in Ressano Garcia, relates:

"I left my parents' place at 16 years of age, in search of a life of freedom, after having broken off my studies due to a lack of resources and repeated failures. Not liking to be ordered around, nor heavy work like hauling water, selling in the market or transporting loads of relief clothing ('calamidades') to the informal market (dumba nengue). For that reason, my parents and brothers and sisters live in Maputo and I live in Ressano Garcia. I'm going out with a young man from Inhambane, who is a "border jumper". It is he who feeds me from products stolen from miners in transit, in the shops and from the women who sell on the sidewalks in the town. I'm not going to marry this boyfriend because he spends his life in prison. In addition, I have other friends, seeing that my boyfriend spends a lot of time as a prisoner. These friends are young people between 20 and 25 years of age, who give me some money in exchange, between 50 and 100 contos.

I've already been arrested by the police, in the middle of last year, and they robbed me of all the money that I was carrying. In general, the young people of Ressano Garcia are persecuted, the girls are raped and robbed of their goods. In the police station one can encounter, at this time, many girls, young thieves and border jumpers. Many girls use drugs that they buy from the young people who appear in town, or that they get in exchange for sex; I think that drugs alleviate the despair.

I was now in the Centre for Girls of X, but I left after three months because they treated us badly and the food wasn't good. Here on the street it is different, we help each other and we stand up for one another. The food that we arrange is for everyone, the bread, the blankets, the mats, we share everything. We also come together to defend ourselves from the boy rapists. But there are boys who protect us in the event of importuning by adults or the police.

I dream of one day getting married, to have a home and happy children, different from me."

This girl, like many other interviewees, explains that despite her sexual experience she intends to get married and have children. This finding illustrates the fact that these girls maintain an identity centred on the role of mother and wife, and they aren't of the view that being sex workers is an impediment to achieving their desires.

In Ressano Garcia, we observed that there are many girls coming from other provinces or other areas of Maputo province, who came to this town essentially in order to sell sexual services. Some take up lodgings, others come to spend the weekend or some days and return to their place of origin.

Alcinda is 16, pregnant, she doesn't know by whom. She told us:

"I got pregnant on the street and I'm going to give birth this month. I live with a group of female friends who come from Maputo, in a small rented house, where we pay 100,000 MZM per month. I arrived in Ressano Garcia shortly after the war, I was one of the first. I fled from Inhambane because of the poverty and because I wanted to cross the border to South Africa, but up till now I haven't managed. I spend the greater part of the time in front of the hotel, in Ressano Garcia, where I sell cigarettes. With that money I have already bought the trousseau for the baby, a few capulanas and some few clothes that I left in the care of a female neighbour with whom I have a good relationship and who considers me to be her daughter.

Some girls in Maputo were involved in prostitution out of imitation and ended up leaving school. Albertina, 18 years old, born in Maputo, went to school up till 10th grade. She gave us the following statement:

I live at times with my family (father, stepmother and brothers and sisters) in Alto Maé neighbourhood, and other times with female friends, in X. My father is a state functionary. He knows nothing of my activity. I had my first sexual relations with a boyfriend, at 14 years of age, and my first sexual encounter in exchange for money at 16, with a white man. I learned about prostitution through a schoolmate, who used to prostitute herself. Starting from that time I used to leave my backpack at the home of a woman friend, then I changed clothing and skipped classes in order to seek clients on the seaside road. Gradually, I ended up leaving school once and for all and I spent more and more time in X. For each sexual encounter I ask for around 100 contos, but I can go down to 40 if it's for oral sex and need money. I can manage to make up to a million per week."

Street kids of both sexes present characteristics that are distinct from the other situations that were collected. They are rapidly involved in commercial sexual exploitation, that they themselves end up managing. These children, in the majority boys, are completely exposed to situations of sexual abuse on the part of adults, in exchange for goods, money or drugs. Various interviews with street kids, indicate this generally little known situation.

One 10-year-old youth was born in the Chamanculo neighbourhood, the oldest of 3 brothers and sisters. His parents have been separated for a long time. The father went to the mines and never came back. The mother ended up looking after the family as of that time. Due to a lack of resources, he left his mother's home and has lived for 4 years on the street. He is part of a group of around 30 children, more or less of the same age; he is the youngest, at 10. He told us:

"Life on the street is very hard and cruel. In order to survive I exchange sexual favours with adults. As I am not a woman, I utilize my anus for the sexual act, which some men like so much. This is the daily practice in my group. We learn those sexual things in the cinema or in videos."

The practice of sexual relations by street children and adolescents, is extremely frequent and reported by them, as well as by social workers. The greater part of the children are male and they have homosexual relations with adults of all races and degrees of financial power¹⁴.

Generally this kind of situation is characterised by bisexual behaviour, with predominantly homosexual practices. Due to their young age, these children do not yet have a clearly defined affective-sexual identity and role.

¹⁴ Bagnol Brigitte, *Diagnóstico da Orientação Sexual em Maputo e Nampula*, Embaixada do Reino dos Países Baixos, Maputo, 1996.

III. Province of Nampula

The province has a population which is majority Amakhuwa, with significant Islamic influence, essentially in the coastal area. The Amakhuwa¹⁵ are, traditionally, matrilinear¹⁶. The offspring, "erukulu" (belly), is the group made up of the children of a woman. In principle residence is uxori-local¹⁷. There is a total or partial subordination of the uterine descent groups to the elder brother of the founding woman of the group. But there is always a "sister" or "niece" at her side, with the status of "mother of the lineage", considered to be fundamental in the social organisation, politics and ritual of matrilinear societies.

These customary rules were altered due to the influence of Christian and Islamic religions (essentially on the coast) and of the socio-economic alterations happening in the colonial and post-independence period. The tendency to virilocality was accentuated. The patriarchal family, organised around of the father, appears frequently.

The socio-economic modifications resulting from the war (widowhood, migrations, marriages between persons from different regions, loss of the family and of kinship ties, destruction of production systems, of food security and of subsistence strategies), altered the duties, rights and forms of production that existed previously.

Data supplied by the demographic survey carried out 1996¹⁸, indicate that Nampula City constitutes a pole of attraction, with 60% of the population being native to the city and 12% living there less than 3 years. Around 36% of the population is Moslem, 46% Catholic and 9% have no religion. In the city, the median¹⁹ age of the population is 16.4 years and it has been declining in the last fifteen years.

¹⁵ For broader information see the publications of Christian Geffray, Eduardo Medeiros and Francisco Lerma Martinez that are to be found in the attached bibliography.

¹⁶ Matrilinear means that all rights, duties and inheritance follow the line of the family of the mother.

¹⁷ From *uxoris*, wife in Latin: meaning that residence is fixed with the woman's group.

¹⁸ Lopes Leonel e Dos Santos Lara Ribeiro, **Cidade e Distrito de Nampula - 1995, Inquérito Demográfico de Saúde e Aspectos Sócio-Económicos da Família**, Centro de Estudos de População, UEM, Maputo, 1996.

¹⁹ Median age: age which divides the population into two equal parts.

A. Sexual Socialisation

As in the previous chapter on Maputo province, the analysis of sexual abuse and of commercial sexual exploitation in Nampula province is carried out taking into consideration certain decisive aspects in the construction of gender relations. We present conceptions of child development, of education in "traditional" socio-cultural contexts (teachings transmitted within the family) and "modern" socio-cultural contexts (teachings transmitted by school and the church), the form of constitution of the family, and gender stereotypes.

1. Conceptions of Child Development

Christian Geffray, in his study²⁰ of Amakhuwa society prior to the 1930s in the Eráti region (in the north of Nampula), identifies four alternating generations of children/seniors and juniors/elders, who between them share relations of dependency. The generation of children is generally made up, according to him, of girls up till 12 or 13 years of age and boys up till 17 or 18 years of age, who have not undergone the initiation rites. Children aren't part of the social group, in that they don't know their descent, and don't know their "nihimo" and the secrets connected to it. Once initiated, young people can get married. If we contrast this conception with the opinions expressed by the interviewees in the group interviews, we find that the male initiation rites are carried out earlier (6 to 8 years of age) and they no longer define passage to adulthood, while the female rites continue to be determined by the appearance of menstruation. Menarche determines the passage to adulthood (13 years of age) for the girls. According to the interviewees, boys reach adulthood around 15 years of age.

One finds that there are different conceptions of development, according to the age group of the interviewees, but that there is no correspondence between the age of carrying out of the male and female initiation rites, and the age at which young people may start having sexual relations. No difference of conception was identified between the urban and rural area (Murrupula) in the interviews carried out.

Both in Nampula City and in Murrupula, despite finding that boys and girls begin to have sexual relations, have children and get married very early, the adults and old people interviewed (male and female, interviewed as a group), state that sexual relations should begin around 15 to 18 years of age, and that young people are only ready to get married at 20. One observes a tendency,

²⁰ Geffray Christian, *Ni Père ni Mère, Critique de la Parenté: le Cas Makhuwa*, Edition du Seuil, Paris, 1990.

similar to that observed in Maputo province, to consider that the girl can begin her sexuality at a younger age than can the boy. On Ilha de Moçambique ('Mozambique Island'), where a lot of value was attributed to the virginity of the girl, adults and old people of both sexes tend to associate the beginning of female sexuality with marriage, that is, between 18 and 20 years of age. In general young people tend, in all of the areas studied, to consider the beginning of sexuality to be earlier than the older generations, which matches their practice. They are of the view that the girl may have relations at 12 or 13 years of age and the boy at 14 or 15. They feel that they can marry at 20 and have children starting at this age.

The demographic survey²¹ carried out in 1996 in Nampula City, indicates that the median age at the time of the first marriage is 17.4 years for women and 21.4 for men. The same study tells us that 21% of children are born of mothers under 18 years of age and that around half (48%) of the women reaching 16 years of age, already had a child or are pregnant.

If we compare the results of this demographic survey with a similar study carried out in 1995 in Maputo City²², we find that the women of Nampula marry earlier (17.4 years) than the women of Maputo (18.9 years), which confirms the information gathered in the course of this appraisal.

2. Education of the Child

In order to characterise the construction of gender identity, we present the fundamental aspects of the education of the child. "Traditional" education, made up of teachings transmitted through the family, should be distinguished, however, from "modern" education, made up of teachings transmitted outside the family (school and church, media).

This distinction has as its objective, to characterise systems of education transmitting different attitudes and norms, but in interaction. Values and norms aren't immutable, but rather they are in constant evolution and confrontation.~

2.1 "Traditional" Education

The socialisation of children is characterised by a construction of the man as "fertilising" and of the woman as "seductive",

²¹ Lopes Leonel e Dos Santos Lara Ribeiro, **Cidade e Distrito de Nampula - 1995, Inquérito Demográfico de Saúde e Aspectos Sócio Económicos da Família**, Centro de Estudos de População, UEM, Maputo, 1996.

²² Leonel Leite Lopes e Clara Santos, **Aspectos Demográficos e de Saúde Materno-Infantil na Cidade de Maputo: análise dos dados do Inquérito de Julho de 1994**, MISAU, UEM, Maputo, 1995.

following the terminology used by Geffray²³. The children that are born, augment the lineage of the woman and not of the men, in the opposite manner to that in the situation observed in Maputo province. Men are valued in so far as they are able to fertilise their wives. Women in turn, are socialised to give pleasure to the men. Feminine "seduction" is instituted through the rites and erotic practices taught to the girls.

Puberty rites, which constitute a symbolic moment where a large part of traditional education is transmitted, are sustained in the rural areas and are being reintroduced in Nampula City. The ethnographic literature indicates that when the boy reached 14 years of age or over, he used to go through puberty rites the duration of which varied from 60 to 90 days, including circumcision. The youth should be able to work on the farm plot, to construct his own house and to protect his wife. The boy used to learn his "nihimo"²⁴ and all the knowledge needed for adult life was transmitted to him, including the way to deal with his wife. Sexual relations could be simulated, this being done with a hole in a tree or in the floor. He learned that it is his duty to look after his wife, to buy her clothing and capulanas. After the rite, the youth should experience "new sex" and, following the tradition, they could marry.

The information gathered during the interviews, indicates that circumcision is practised when the child is 6 to 8 years old, and that the associated rites last 3 weeks (Murrupula). In the city, according to the interviewees, the teachings are modified and reduced to circumcision, often carried out with the assistance of health personnel.

The sexual preparation of the girl begins during childhood (10/11 years of age), with the practice of lengthening of the labia minora, the so-called "ears". The objective of the lengthening of the labia, is to "complete the woman" and prepare her for her function as seductress, providing for the pleasure of the man. Formerly, also in order to increase the pleasure of the man, scarifications used to be made on the back, belly and inside of the thighs of the women. The women used to wear belts made of glass beads, which are of great erotic importance. These practices are disappearing in the urban areas, scarifications of some parts of the body being maintained only in rural areas (Murrupula).

The female initiation rites, in the opposite manner to those of the boys which are carried out earlier in the urban areas,

²³ Geffray Christian, *Ni Père ni Mère, Critique de la Parenté: le Cas Makhuwa*, Edition du Seuil, Paris, 1990.

²⁴ A spiritual and esoteric entity transmissible exclusively through women. It is also the name by which people who have received the same "nihimo" recognise each other. It is the name of the clan.

continue to be carried out when the girl has her first menstruation. In Nampula City the female rites, having been abandoned for a certain period of time, tend to be reintroduced. During the rites, the girl learns how to deal with her hygiene and that of her husband, and how to behave with her husband during and after sex. The position to use and, at times, the kinds of movements permitted and how to moan, are all taught to her. The way to hold on to the penis, to place it in the vagina, is transmitted with the aid of a model of a penis, made of clay or wood.

The girl learns how to manifest her respect for the husband (how to greet him, how to feed him) and that she should always accept having sexual relations with him. In the context of marriage, the girl isn't assigned the right to decide and control her own sexuality. Sexual violence within marriage (marital rape) is instituted during the socialisation of the boy and of the girl. The girl is socialised clearly and explicitly to be a seductive sexual partner and to expect sustenance out of her sexual relationship. Even for the girls who have not gone through initiation rites, this ideology is very strong. Thus, in Nampula City, if a woman has gold or other possessions, her female friends can be heard to say, as alluded to by a female interviewee: "Your sex is serving you well", expressing clearly the function of sexuality in the sustenance and accumulation of wealth on the part of the woman.

In the coastal area and in those communities in the province with an Islamic influence, virginity was valued. Now this tends to diminish in the rural areas and to disappear in the urban areas. Initiation rites mean that the girl, as a female interviewee said, "can have relations with whatever man, of whatever age". With some differences in relation to the interior of the province, one finds in general that the teachings are similar. The value of the girl's sex is stressed in the advice cited by another female interviewee "wealth, money, home, food and capulanas come out of it". Thus the girl is brought up, according to our female interviewees, along the lines of "holding on to the man". She is counselled to use her sexuality to improve the quality of her life. The woman's beauty is also given value through the use of refined apparel and through the importance attributed to the possession of capulanas.

For the interviewees (men and women) of the different age groups, there is a conception according to which the woman depends economically on her husband for her support and, in general, on her sexuality.

The only sexual relation recognized and taught, is the heterosexual vaginal relation, clearly with a reproductive objective. To speak any other kind of relation is frightening,

leaving the human ambit and belonging to the supernatural domain, connected to magico-religious practices.

For the purpose of knowing which relations were considered illegal (definition of sexual abuse), one chose to gather information on sexual rules and prohibitions.

It is prohibited:

- to marry family members with the same "nihimo" (clan name);
- to have sexual relations during menstruation;
- to have sexual relations following childbirth and during breast feeding;
- to practise onanism;
- to have sexual relations in a different position from that established as a norm;
- to have oral or anal relations.

In addition to sexual socialisation, during childhood, the boy and the girl begin to play the roles that are characteristic of their genders. To the girl are reserved the activities undertaken in the domestic sphere, and to the boy, public activities. This division of activities reinforces the economic dependency of the women in relation to the men. But this education is contrasted with the "modern" education to which boys and girls have access.

2.2 "Modern" Education

"Modern" education is characterised by a mixture of values and information transmitted in the school context, informal and religious, that often come into conflict with each other and with the conceptions transmitted through "traditional" education. There is, in fact, a constant interaction between these various conceptions.

In comparison to Maputo province, in Nampula province a strong Islamic influence is evidenced (36% of the population of Nampula City²⁵) along with a minor influence from formal education. The gross rate of EP1 (first level primary school) schooling²⁶ was, in 1992, 75.5% in Maputo province (112.1% in the Maputo City) and 38.3% in Nampula province²⁷.

Due to the characteristics of formal and religious education not differing from the aspects identified in the chapter on Maputo province, we will confine ourselves to presenting the opinions of the interviewees (male and female).

²⁵ Lopes Leonel e Dos Santos Lara Ribeiro, **Cidade e Distrito de Nampula - 1995, Inquérito Demográfico de Saúde e Aspectos Sócio Económicos da Família**, Centro de Estudos de População, UEM, Maputo, 1996.

²⁶ The gross rate of EP1 schooling is the ratio of the total of students attending EP1 to the population of the official age group for attending EP1 (population of 7-11 as of 1987).

²⁷ MINED, **Indicadores Educacionais e Efectivos Escolares, Ensino Primário, 1983-1992**, MINED, Maputo, 1994.

The adult and old interviewees (male and female) state that children have access to films, soap operas and pornographic films and that, influenced by what they see, they look down upon the teachings of their parents and elders. The persons entrusted with the education of children manifest their inability to control the behaviour of their children.

The people surveyed also hold formal education responsible for the lack of respect for the elders and for the change in the behaviour of young people. For example, according to them the teaching of the reproductive apparatus in the 5th grade program, comes into conflict with "traditional" education, in which calling the different sexual organs by their name, depicting them in the textbook and discussing the matter in a mixed group, outside of the specific context of the initiation rites, is a stimulus to uncontrolled sexuality. There are at times, attempts at conciliation, as in the case of the adaptation of the calendar for carrying out of the initiation rites, to the school calendar. It is under the influence of these different conceptions and models of behaviour, that boys and the girls get socialised.

3. Form of Constitution of the Family

According to Geffray²⁸, prior to the 1930s, in the Eráti region men were the ones who ran marriage: it was the oldest man in the lineage who used to oversee the transmission of the right of marriage. The groups sought to gain power by marrying their men to the women of another group that was better-placed in the hierarchy. The women were set into a hierarchy by status, birth order and generation.

A person could only marry a member of his/her sub-group, that is, they couldn't marry persons from the generation of their "mother" or of their "daughter". But they could marry someone from their own generation or from the generation of their "grandmother" or of their "grand-daughter". The preferred marriages were between bilateral "crossed cousins". Thus, it was possible to marry persons of widely varying ages. A young man could get married to a widow two generations older than him. An old man would often receive in marriage, a young girl from the generation of his grand-daughter.

Women were seductresses, didn't change residence and status but provided pleasure to the men in exchange for the sperm needed for the procreation of sons and daughters, which was the property of the wife's family group. The woman should satisfy the desires of her husband and give him pleasure. Each man was obliged to regularly offer capulanas to his wife and to the important women

²⁸ Geffray Christian, *Ni Père ni Mère, Critique de la Parenté: le Cas Makhuwa*, Edition du Seuil, Paris, 1990.

in the group of the woman to whom he was married. The absence of such presents would inevitably lead to divorce, to the repudiation of the husband, who went back to his family. The presentation of capulanas to the women would mark the recognition by the men of their wives, but as well it manifested the dependency of the women in relation to the men, for access to money, merchandise, the market and to the goods socially recognized as a manifestation of their social status and identity (capulanas).

Also according to Geffray, the young husband should carry out "compulsory work" on the mother-in-law's farm plots. The produce from these farm plots was kept in the mother-in-law's granary and served to purchase capulanas for her and for his young wife. If we contrast this characterisation of the constitution of the family with the conceptions of the interviewees (male and female), we observe changes. According to the persons surveyed, this form of family constitution is tending to disappear. In the urban areas, young people don't accept that the marriages be arranged through family members, and they initiate sexual relations without their knowledge.

In the interior of the province, the interviewees are of the view that the requirement for the son-in-law to provide compensation in labour on the farm plots of the in-laws, is maintained.

In some families with patrilinear or religious influence, there is marriage compensation from the maternal family of the fiance to the family of the fiancée (of the 'lobolo' kind).

In the Islamic communities marriages were also, until some years ago, managed by the parents. "Harussi" marriage, which is to say with a girl who is a virgin, was valued. The girls were covered with a cloth, they could not go out of the house and didn't see the fiance until the day of the marriage. On the day of the marriage the cloth with blood was to be presented before the family members. It was a sign of honour for the family of the fiance and for that of the fiancée. If the girl were to come to the marriage as a non-virgin, all the costs borne by the fiance were reimbursed by the family of the fiancée, who was publicly shamed and humiliated. Amongst believers polygenous marriage²⁹ is accepted.

Now marriages are being contracted by the choice and consensus of the betrothed couple. "Harussi" marriage is becoming extinct, and "exuwo" marriages predominate, with a woman who is deflowered, divorced or widowed. Marriages are carried out by the "chêhe" (religious chief). The fiance is required to pay "mahari". The value of the "mahari" is defined by the parents of the fiancée and is frequently used by the fiancée to purchase personal goods.

²⁹ Marriage of a man with various women.

The "mahari", unlike "lobolo", isn't given back in the event of divorce.

In Christian communities, the evolution from marriage defined by the parents to marriage with the choice and consensus of the betrothed couple, is also being felt. Amongst Christians polygenous marriage isn't practised, nor is marriage compensation.

In all of the communities in the province, marriage is conceived as a social commitment between two families, but it isn't formalised, as it is in Maputo province, in a ceremony for the deceased.

4. Gender Stereotypes

In this chapter, we will seek to present the opinions given by the interviewees in relation to the reasons for preference for under-age girls, and the reasons that lead to sexual relations between partners paid by the man.

These conceptions transmitted by men and women, constitute gender stereotypes. They are the result of the existing power relations between different socially constructed categories such as sex, class, age and race, and are also a factor in their maintenance. The presentation of these stereotypes is aimed at characterising gender ideology and thus better understanding the context in which sexual abuses of minors are carried out.

A first stereotype is related to the fact that the man cannot abstain from having sexual relations. The statement of João, 40 years of age, a merchant, living in Murrupula with 6 children, illustrates this situation:

"I have had extra-marital relations because my wife suffers from gynaecological problems and at times she has menstruation for two to three weeks at a time. As well, in the first months following childbirth it is unbearable to abstain from sex for months. I have extra-marital relations as well because when women know that a man has money, they always ask for something.

The difficulty for the man in abstaining from sexual relations is, according to the conception of our interviewees, related to the obligation to pay for having sex. A group of women explained to us:

"The man is the person who is anxious and in search of a woman to get relieved. The man can't bear not having sexual relations, while the woman doesn't feel the same necessity. Consequently, it is the woman who resolves the man's problem. The man deposits his sperm in the woman's vagina and, to wash herself, she needs at least some money to buy soap. The man should know how to thank the woman for her understanding".

This conception is decisive in understanding how common payment for sex is. It is transmitted not only through adults but it is adopted as well by younger people, as is confirmed in the statement presented by Rafael, 15 years of age, a Christian

living in M'puata, in the district of Murrupula. He lives with his parents and goes to school. He's thinking of marrying at 18.

"I have already had sexual relations various times with girls of my age. I give them money, because I sell peanuts. I have never slept with a girl without giving something, because they don't accept that. Generally I give three or five thousand meticaís".

Giving money to the woman in exchange for sex isn't a recent practice. Old women, interviewed on Ilha de Moçambique, say that it is the obligation of the man to offer something in retribution for the work that the woman carries out, but they explain as well that the situation was modified recently:

"This retribution didn't have to do with each sexual relation, but rather overall. The man had to thank the woman for her work. Now the girls demand money for each encounter; they even ask for the money up front".

The interviewees (male and female) explained that in the relations between men and women, there often is no love but rather only material interests, and that generally all sexual relations are paid for. The economic dependency of the woman in relation to the man is always stressed and it constitutes a fundamental element in the relations between men and women.

A state functionary gave the following statement:

"Even my wife could leave home within a week if I cease to have a job.

There is no love; everyone is after better economic conditions."

The compulsory nature of the payment to the woman for the sexual relation, falls within conceptions that are aimed on the one hand, at maintaining their economic dependency in relation to the man and, at the same time, it ensures her a means of sustenance. Related to economic aspects (one pays a girl less than an adult woman) and as well to the man's pleasure and to the greater ease of conquest, one finds that sexual relations are characterised by a preference on the part of the men, for young girls.

The interviewees (male and female) provided various reasons:

- "Old men have rotten teeth and for that reason they need tender food";
- "Old men have difficulties in getting aroused and for that reason they need something to excite them" or "young women give new blood to the old men";
- "The vagina of the under-age girl is a lot tighter and the man's pleasure is greater";
- "Under-age girls have sex in a cavalier fashion, because they don't suffer from complexes and shame";
- "Under-age girls don't make much of a fuss to have sex, they don't ask for a lot of money, because they don't have responsibilities".

These stereotypes transmit a conception of the girl seen only as a sexual object. They negatively influence the men and women who transmit them and they adopt behaviours that follow these stereotypes.

Individual statements from men and women confirmed the adoption of these models.

Alberto has sixth-grade education and is 24 years of age. He works in the district seat of Ilha de Moçambique. He is of Islamic religion and lives with his mother and four brothers and sisters; they don't have a father. He has a fixed relationship with his wife. He has 3 children with 3 different women. He stated to us:

"I had my first sexual relation with a single woman, 28 years of age, in 1991, when I was 17. Now, I have already had sex with at least 200 women, if I consider the records that I established of 3 women per day over 6 years of my sexual life. I have already deflowered 3 girls, with the last being my wife who is 16 years of age and who has a six-month-old baby. Generally, I have sex with younger women, above all when they have provoked me. The age that is in fashion now is from 10 years of age up. They demonstrate interest for men and with a little chat-up they are easily convinced. When they ask for something, given that they aren't family members, this means that they're going to give something in exchange and are ready for everything. Many men prefer the little girls because their vaginas are not yet enlarged and are very tight, and thus one ejaculates quickly. I, personally, prefer the fat ones. Now the girls choose men who are a lot older than them, as long as they have money. I know many men who also have sex with minors, who are informal vendors, teachers, nurses and other public servants. At 18 I had sexual relations with an older woman who offered me money and a lot of clothing. I never used condoms."

This statement, like the stereotypes presented below, also clearly shows the conception according to which men should have various partners.

- "The man, in the opposite manner to the woman, always has to experiment. He is curious—women are different from each other: some are cold, others are hot, some have the labia minora of the vagina lengthened, others do not, some are fat, others are thin, some have scarifications, others do not, etc... There is a very great variety";
- "The man cannot eat white rice every day; he must vary his dishes".

These stereotypes form the basis of gender ideology, in which sexual relations are interconnected but also economic power relations and relations between persons. They transmit an image of the woman, particularly of the girl, as a sex object. This image devalues and degrades, and it establishes mechanisms of sexual and economic subordination of the woman in relation to the man. Similar images transmitted by the media and particularly pornographic films, constitute violence against women and an obstacle to attaining the objective of the equality of men and women.

B. Sexual Abuse and Commercial Sexual Exploitation

We will try, in this section, to systematise the various kinds of situations encountered in Nampula province, classifying sexual abuses as a function of two criteria, the first being the involvement of payment in money or in kind, and the second according to who commits the sexual abuse. These categories, as we explained above, flow from the adoption as a point of reference, of internationally-defined concepts. The statements obtained in the Focus Groups with young people, adults and old people of both sexes, will be presented along with individual interviews with sexually abused minors or victims of commercial sexual exploitation.

It is important to mention that the categories presented aren't rigid, given that a girl in the course of her life can go from one to the other. For example, a girl who is sexually abused outside of marriage may go on to a situation of sexual abuse within marriage or of commercial sexual exploitation.

Prior to the presentation of the statements and of the different established categories, the situations registered in the different structures (Health, Justice, Education, police and administrative authority) are described. The data were collected in Nampula province, in the Muale Administrative Post of Nampula City, in the District of Murrupula, in M'putala neighbourhood in the same district and, finally, in the district of Ilha de Moçambique and in the neighbourhoods of the capital town of the island.

It was observed that in the majority of the cases considered by us in the light of international legislation to constitute an illegal sexual relationship (premature marriages and marital rape), it generally isn't seen as such by the persons involved and by the interviewees. Generally these are situations perpetrated by family members.

Amongst the situations considered to be illegal by the informants (male and female), are to be registered essentially, the rape of a minor who has not reached menarche, and making a girl pregnant without marrying her. These cases generally aren't presented to the competent bodies—police, courts—and are resolved within the family.

In the last three years only one case of rape of a minor was presented each year in Nampula Provincial Court, but none of these was tried.

Cases Registered in the Different Structures

Data collected in the Attorney-General's Office of Nampula province, indicate that in the year 1996, 16 cases of sexual crimes were registered, the victims of which were girls under 18 years of age (13 indecent assaults, 2 rapes of minors under 12

and 1 rape), the youngest of the victims being 10 years old. All the aggressors were known to the victims, with 8 being imprisoned. 14 of the aggressors are of the age of majority and only two are minors. In two of the cases recorded, the girls were raped by two men.

In Nampula Provincial Court, in the course of 1996 only two trials for sexual crimes whose victims were minors passed through this structure. The girls were both under 6 years of age and the oldest aggressors were 18 years of age. One of the accused is under arrest and has not yet been tried. The other escaped from prison before the judgement. In 1995, 94, 93 and 92 there was, annually, one case the victim of which was a minor younger than 15 years of age and whose aggressor was known. Up till now, none of these cases has been tried.

We were not able to get access to certain data from the PIC at provincial level. In Nampula Central Hospital we were informed that there is no record of this kind of occurrence, the doctors' reports being directed to the police when requested.

The information obtained in the different institutions visited, tends to indicate that the greater part of the cases of sexual abuse of minors aren't taken to court due to these matters being considered a family concern. Informants connected to the police and institutions of the Ministry of Justice, explained that family members generally used their services more as a way to apply pressure on the aggressor, to obtain reparations in money or to compel him to marry his victim in the event of the girl being pregnant and her age permitting it.

So as to understand why the cases that pass through the Attorney-General's Office don't appear on the records of the Provincial Court, it would be necessary to do research on the cases and follow each one. In the context of this appraisal, such was not possible. It is also considered important to see why none of the cases taken to court since 1992 has been tried.

Administrative Post of Muale

In the Administrative Post of Muale, in Nampula City, cases are presented in the court involving sexual relations between adults and minors. Generally, one seeks reconciliation between the parties. If the girl is pregnant, the tendency is to seek to marry her to the aggressor or the man that she points out as being the father of the child. If she is not pregnant or if the man does not want to marry her, the trend is to oblige him to pay a fine the value of which depends on his resources and on the status of the girl (virgin or not). Amongst families of the Moslem religion, this fine may be equivalent or superior to the "mahari" charged at the time of marriage.

The neighbourhood courts and police are of the view that cases of sexual abuse appear rarely because, generally, the girl is enticed by an older person and has sex in exchange for money or goods. Consequently she does not complain to her parents. If she is raped, she rarely informs her parents, due to fear of reprisals and out of fear of difficulties in proving the rape. The cases end up appearing in the neighbourhood courts only when there is a pregnancy. In this case, the girl is pressured by her parents to say who the author is and the parents take the case to Community Court or to the police, to compel the man to take responsibility for the girl and his child, at least until the child begins to walk. Very rarely is a case of request for alimony taken to court.

At the EP2 (second level primary school) of Muale Expansion, when the principal finds that there are men waiting for the girls at the school gate, he calls upon the persons entrusted with their education, to discuss the issue, and he also publicly draws attention to these girls in the student assemblies.

Murrupula

In 1996 in Murrupula, a case was raised by the secondary school management, involving a student pregnant from a street vendor. In the previous year, the same merchant had "withdrawn" a female student from the same school. He was considered "recalcitrant". For that reason the school management took the initiative to take the case to justice. The girl didn't have an identity document and her birth hadn't been registered in the civil records office. Consequently, it wasn't possible to prove that she was an under-age minor. When she was taken to hospital, there were no injuries from deflowering registered. The parents stated that this union had their consent. "The parents handed over the girl of around 13 years of age to the merchant, and the case ended up remaining outstanding. The parents didn't have the resources to look after their daughter and her child" states a male interviewee.

Still in Murrupula, the management of Cabo Serra school sent the list of the girls who had left school to get married, to the Provincial Education Department and to the police, asking that they intervene.

In M'puata neighbourhood six female students between 13 and 16 years of age were identified in the EP1 school, having been impregnated by adults whose ages vary between 20 and 30 years. The principal of the school took the complaint to the Neighbourhood (Bairro) Secretary. The men were obliged to separate from the girls and they came back to school and now continue studying. The authorities, both in the neighbourhood as well as in the school, consider it a crime to have sexual relations with a girl who is at school. They are of the view that

the men are guilty of enticing the under-age girls. The men were threatened with criminal proceedings if they continued to maintain relations with minors. They were compelled to dig latrines and to construct school infrastructures, and encouraged to seek other women to join with in matrimony.

In the district seat of Murrupula, 15% of the registered births in 1996 was to minors under 18 years of age. In the same year, at the EP2 school, 52% of the girls left seventh grade because of pregnancy and one died giving birth. On the day prior to our visit to the school, a 13-year-old girl passed away as a consequence of an abortion. The girls come from far away and they live as a group in rented houses, because in their areas there aren't any EP2s. They have limited food, which they bring each week from their parents' houses, and are easily enticed by men with money. The school management informed the district administration, which discussed the issue in a public meeting. The administration and the school management are looking for financial resources to construct a residence to shelter these girls and thus try to protect them.

Ilha de Moçambique

On Ilha de Moçambique in 1996, a case was recorded in court, of the rape of a girl of 12 years of age by a man of 40 years of age living in Lumbo. The case was taken by the aggressor himself, who complained about having to pay five hundred thousand meticaís to the parents and of being accused of not having been authorised to take the girl. He was under arrest, but when the preventive detention expired he was released and the case was sent to the Attorney-General's Office. The police registered a case of rape of a girl of 16 years of age by a street vendor. The case was presented 2 months after the event and there was no possibility of confirming the indecent assault.

In 1996, in the hospital on Ilha de Moçambique, 5% of the observed pregnancies and 11.5% of the deliveries performed were with minors under 18 years. 17% of the STD diagnosed was in minors under 20 years of age.

1. Sexual Abuse

Sexual abuse was defined by the Convention on the Rights of Children to be an illegal non-commercial sexual relationship, distinguished from commercial sexual exploitation, conceived as a sexual abuse involving payment. In order to define if a relation was or was not illegal, we take as our point of reference the international legislation in relation to the rights of children and women.

To identify the different categories of non-commercial sexual abuse, one used as the basic criterion, the fact of the sexual

relationship being perpetrated by a family member of the child or by an outsider.

1.1 Sexual Abuse Perpetrated by Family Members

Amongst the sexual abuses perpetrated by family members, one can distinguish between forced marriages, sexual abuse within marriage, magico-religious practices, the handing over of the grand-daughter to the husband (see section on this issue) and deflowering within initiation rites.

These sexual relations are unlawful from the point of view of international law, for the reasons presented in Chapter I of this appraisal, "Concepts and Human Rights". In particular, what stands out is the fact of the sexual relation involving an adult and a minor, the sexual relation being decided without the girl being able to exercise her right to choose her spouse freely and to contract marriage only of her full and free will (Article 16, N° 1b, of the Declaration on the Elimination of All Forms of Discrimination against Women) and due to the promise of marriage and of children being considered legally null and void (Article 16, N° 2 of the same document).

1.1.1 Forced Marriages

For the reasons presented above, forced marriages constitute sexual abuse of minors from the point of view of international law. The opinion of the interviewees (male and female) varies according to age and sex. Forced marriages are considered an acceptable practice by older people, while the young people of both sexes interviewed in Murrupula, Ilha de Moçambique and Nampula City, do not consider it acceptable. Adults and old women have a greater tendency to reject this practice than men from the same age group.

There are various forms of forced marriages, some involving payment in money and/or kind to the family of the young under-age wife, and others in which that is not found. In this section we will present only cases of forced marriage without the involvement of payment (non-commercial sexual abuse).

At times, the line between forced commercial and non-commercial marriages is difficult to determine, because forms of marriage compensation in kind exist, like for example the labour of the young husbands on the farm plot of the mother-in-law.

There are specific circumstances in which forced marriages can occur, as in the case of the death of one of the spouses. The rule lays down the marriage of a widower with a female cousin (daughter of the aunt) or with a maternal niece, or the marriage of a widow with the brother of the deceased. The replacement of the deceased may be, in both cases, younger or older than the widow(er). The application of this rule, despite being considered

traditional, is disputed by the interviewees, who consider this practice to be rare.

In order to illustrate non-commercial forced marriages, one chose the statement of Michael, 42 years of age, who has an upper-level formal education. His experience is extremely important for one to understand the dilemmas lived out by individuals placed on the threshold of two systems of contradictory rules. He told us that:

"When I was transferred to work in Namapa District, I didn't have a wife but, of course, as a man I had my needs. Therefore I was with a woman of 16 years of age and with her I had a daughter. In the district, a functionary is given respect. They even offer girls for you to marry. Who is guilty, the man or the family that gives him its daughter? When I obtained a scholarship to go to university in Maputo, I left this woman and my daughter. They didn't pay the expenses for me to take the daughter and mother with me. In Maputo, I got married to another woman and had 4 children. When I came back to Nampula, my first daughter was no longer at school, so I decided to bring her to Nampula and make her study. I had never lived with her. I had decided not to send anything there because I saw that the whole family used to eat at my expense. When she is with me she eats our food, when she is there she eats the food there. She couldn't stay in our house because she didn't get along well with her stepmother. Therefore she stayed in the house of one of her uncles. But she already had the vices and didn't want to study at all. Therefore I told her: "I'll pay your expenses on the condition that you go to school, otherwise return to your mother". Thus she came back to her mother's house at 15. There, without consulting me they arranged a state functionary to marry her. A virgin. This man stayed with her for two weeks and abandoned her. What could I do? Her mother took this decision without consulting me. Could I accuse this functionary and my first wife of having promoted sexual abuse? The family members had given their consent because they thought that a girl of this age must get married and have children. It is difficult to go against society, even those of us who have studied, it is difficult to always go against the ideas of our parents and family members. Now my daughter is once more with me, studying. I think that she is now more mature and she'll manage but, obviously, with a child she must study at night. I can tell her the story of my niece who used to go around in the immoral life in Nacala and Cuamba with her daughter on her back. Now she's dead, the daughter is 12—what kind of life will this girl have? I can speak to her about my sister who used to study very well and then at 16 was impregnated by a merchant, there in the district; she left school and now goes around from man to man here in Nampula. My mother is very happy because she would like grand-daughters. And my sister gave her two grand-daughters. These girls are there on the street, in the bars, saying uncle, uncle let's go, give me something or other uncle. This situation affects all of us directly. They are our daughters, our grand-daughters, our nieces. It is difficult to resist! You have to think about your daughter and say this could be my daughter. But there are men with no scruples. The solution is difficult because it can't be prohibited. I think that specialised schools should exist for girls who have become mothers and

girls who have had certain kinds of difficulties in life, and thus give them a new opportunity and pull them off the street.” This interview clearly presents the attitudes of various generations, of persons of both sexes, with distinct ways of behaving when confronted with violence against girls. The interviewee explains how his mother reproduces the behaviours characteristic of traditional education, that valued the birth of girls. The male interviewee, in his personal trajectory, has a phase where while young, he accepted marriage with a minor and another where, when older, he turns against the marriage of his under-age daughter. But he explains as well how his condemnation of this forced marriage cannot be taken to the legal bodies, due to the fact of those involved being precisely his family members, who took the initiative without his knowledge. In this case as well is expressed the power exercised by family members over the girl’s sexuality, and the marginalized position that the father of the girl occupies in the decision-making in this regard.

1.1.2 Sexual Abuse in Marriage

Sexual abuse in marriage refers to sexual violence exercised by the husband over his wife and constitutes an illegal sexual relationship because it constitutes, in the light of international rights, a violation of the rights of women. Cases of marital rape were registered both on the marriage day as well as in the future, be they “harussi” or not. Generally marital rape on the wedding day involves an adult with a female minor. But there are cases where both members of the engaged couple are minors or are adults.

Marital rape in the course of the life of the couple is a frequent phenomenon that takes in both women who are minors as well as those who are adults.

Different sensibilities are registered in relation to seeing marital rape as reprehensible or not. Generally sexual violence within marriage isn’t considered reprehensible by the interviewees, due to being considered an obligation of the woman to sexually serve her husband and, as was analysed in the section on “traditional” education, this constitutes a determinant aspect of the education of boys and of girls. But, in the interviews in Focus Groups with women, it was observed that they consider less acceptable than men, having sexual relations with one’s husband against one’s will.

In Focus Groups adult women in Murrupula explained:

“At times the woman does not want to have sex and complains of illness, pains or some other problem in order to avoid having relations with her husband, but he perseveres. If the woman turns him down then the husband gets angry because he needs the woman, he needs to have sex. Many times the woman must bear the man even if she doesn’t want to. She knows that marriage is for that purpose and cannot refuse her husband.”

It was found in the course of the field work that the women have different opinions as compared to the men; generally they contest the "traditional" education that they received and they develop mechanisms of resistance even if they are of the view that in marriage one can't refuse having sex with one's husband.

1.1.3 Magico-Religious Practices

For the interviewees, the cases of sexual abuse that are most difficult to have disclosed, are those that involve family members and those connected to magico-religious practices. When a man wants to get rich and he goes to consult a specialist in magic³⁰, this person may guide his customer along the lines of killing some family member (generally a child) or of having sexual relations with his daughter or a maternal female cousin (daughter of the sister of the mother). These cases, when they are discovered, are handled within the family and are rarely known of by persons from outside. In the interviews, the persons sometimes pointed out cases they knew of, of adult men who had sexual relations with an under-age daughter.

It was also reported in Murrupula that in the process of coronation of the kings ("mwene"), there is a secret practice, known only to the advisors. As a way of acquiring power, the new "mwene" should have sex with his maternal female cousin (daughter of the sister of the mother) or with a niece.

1.1.4 Handing Over of the Grand-daughter to the Husband

Geffray in his work "Ni père, ni mère", refers to a practice that consists in the handing over of the grand-daughter to the husband, to have a sexual relation. This practice is also reported in the literature³¹ under the term "ecucho". The interviewees are of the view that this practice is rare. If a woman of a certain age is not considered sufficiently sexually attractive and if it is considered that her husband has always shown good behaviour (fertility, production and capulanas), it is her responsibility to hand over to him another young female sexual partner. Generally the girl who is chosen is the oldest of the grand-daughters of the old woman. At times this sexual relation takes place with a married grand-daughter. If she conceives, the children are assigned to her husband. If it's a matter of a single woman who lives with the

³⁰ We opt for the term magic specialist, following the terminology used by José Fialho Feliciano (1989), although the term more frequently used is that of traditional healer.

³¹ Karibu / Makhalelo / Friedrich Ebert Foundation, **Reconciliação e Resolução de Conflitos na Sociedade Tradicional Makhuwa**, Karibu/Makhalelo/Fundação Friedrich Ebert, Ilha de Moçambique, 1994

grandmother, and if she conceives, the grandmother seeks a husband for her right away in order to assume paternity.

1.1.5 Deflowering during Initiation Rites

The practice of deflowering during initiation rites was identified in the district of Mucuburi and in the district of Cuamba (Niassa province).

Only one female interviewee of 35 years of age gave evidence on this practice. She explained to us that, when she was around 13 years of age, she was taken for the rite of initiation in her place of birth, in Cuamba. She told us:

"The rites in the my zone are a lot different from the rites on the coast or in other areas. The old people, in addition to offering teachings, simulate the sex act with a non-lubricated penis made of clay. It is very painful and traumatic for the girls, who retain a fear of the men and of having sexual relations. One learns that the sexual pleasure is for the man, that we should always accept the man, that having sex is for having children. The old people in the interior live a violent form of sexuality". This practice constitutes a sexual abuse of minors organised by family members, to the extent to which it constitutes violence against women. It may be considered that it's a matter of an illegal sexual relationship due to being physical, sexual and psychological violence and a traditional practice which is detrimental to women.

1.2 Sexual Abuse Carried out by Outsiders

In this section we present only those sexual abuses or illegal non-commercial sexual relations perpetrated by outsiders. The majority of the cases of sexual abuse carried out by non-family members, involve payment of a fine by the aggressor to the family of the victim and are, consequently, classified amongst cases of commercial sexual exploitation.

As in the case of sexual abuses perpetrated by family members, the sexual abuses carried out by outsiders, are resolved in the private realm between the two families involved and are not taken to any police or judicial structure.

We present below, the statement of a girl who is currently 24 years of age and who was raped by a youth who has now reached the age of majority, while he was still a minor. She told us:

"I reached 17 years of age without knowing a man. I was afraid of my father, who is very bad. At this time I was studying at secondary school. One day I met a young man. He came on a motorbike to the school. He was rather popular and everyone talked about him. I saw that I had certain qualities and I decided that I would face up to him. He didn't know. One day I approached him, at 5 in the afternoon. He couldn't resist. He spoke with me and said that he would give me a lift. It felt like a dream. I accepted without knowing the destination. He took me to his house. When we get there, we went directly to his room. He locked the door and he said that it was time to use me sexually. I said that it wasn't like that, right

away on the first day, in addition to which I had never had sexual relations. He was violent, he said that I wasn't going to leave. He threatened me, saying that I was far from home and that he wouldn't take me home. It was night and I had never come home late. I decided to cry. He attacked me, forced me with the worst pain I had ever experienced. I cried out but it was in vain. He only let me go after achieving his objective. Believe me, I will never forget. You know, we hadn't spoken about anything. It was my very first time. Around 10 pm, he took me back home. When I knocked on the door, my father answered. I couldn't bear it, I fled to my aunt's house. Fearing everything, I didn't explain what had happened. My father arrived that same night. And he decided that I was a whore, that he didn't want to see me any more. I stayed at my aunt's place. Three days later I went to school. I now didn't know how to count. The most aggravating part is that the following month I missed my period. I spoke with my aunt. As it turned out, I was pregnant. I couldn't believe it. Only one time. The first time and right away I was pregnant. I was forced to explain what had happened. The young man was informed. Even now when he comes to give something to the child, I leave. I never want to see him. I hate him. Now I have sex without any problem and I've been going out with a one man in Maputo for less than a year. Everything's going along well and I am studying in the eighth grade at night. From the day that I said what had happened, I came back to my parents' house."

The case of this one girl shows clearly the difficulty in speaking immediately to one's parents, due to feeling guilty and to a fear of repression. Such a situation makes it impossible, when the parents find out, to take a complaint to the police and carry out a medical examination to confirm the occurrence of the rape.

It is the opinion of the interviewees (male and female) that the greater part of the cases of rape aren't widely known. The interviewees (male and female) explained that if a girl is raped, she will have to prove it (torn underwear and clothing, scratched body) and to inform her parents or family members immediately, which generally does not happen due to the fact of her being in a state of shock and due to a fear of reprisal. Generally the girl admits to having been raped only when she ends up pregnant and, consequently, a long time has passed since the aggression and the proof is non-existent.

In all cases of deflowering or pregnancy, the tendency of the family of the person who was attacked, is to want to ensure sustenance for the girl and her child, obliging the man to marry her. When that isn't possible, the girl remains in a very uncertain situation within her family, representing an additional financial burden.

Graça, a girl of 19, living in Muahivire neighbourhood, related to us the problems that she faced after being raped by a teacher and that led to her prostituting herself. She explains:

I don't remember well, but I was around 13 when I had my first sexual relation, with a teacher. I was forced. He deserted me when I was three

months pregnant. I had to quit school. At home, my aunt used to say a lot of things. As a way out, I started accepting any and all requests by men, in exchange for money or other goods”.

Prostitution, as was observed in Maputo, often results from sexual violence against a minor. The personal history of the girls contributes to their later involvement in sexual coercion, connected to the loss of self-esteem arising from the rape.

2. Commercial Sexual Exploitation

In this category are presented cases of sexual abuse carried out by an adult and involving payment in money or in kind to the child or to third parties, as understood in the light of the international law used as a point of reference for establishing the different categories.

So as to type the different cases of commercial sexual exploitation encountered, we chose to distinguish commercial sexual exploitation organised for the benefit of third parties, from that organised by the child him/herself.

2.1 Commercial Sexual Exploitation Organised for the Benefit of Third Parties

One distinguishes between those cases of commercial sexual exploitation where the beneficiary of the commercial sexual exploitation is a member of the family group, from those where the beneficiary is an outsider.

2.1.1 Commercial Sexual Exploitation Organised by Family Members

In this category were grouped together different situations involving a sexual relationship between an adult and a female minor with payment in money or in kind to the family members of the girl.

Thus payment in labour power is distinguished from payment in money or goods.

Amongst the sexual relations involving payment in kind, one distinguishes payment in labour from payment with shelter and sustenance for the pregnant girl and her child.

Among sexual relations with payment in money, are included marriages arranged through the family members of the boy and girl, whether for an “harussi” marriage or an “exuwo” marriage, but with payment of “mahari”. Also included in this section, are sexual relations that result in a fine for deflowering, due to pregnancy or cases of prostitution, only when the beneficiaries of the payment in money are family members of the girl.

2.1.1.1 Payment in Kind

According to the ethnographic literature and information collected from the interviewees (male and female), marriages carried out in rural areas generally have as one of their

objectives, to acquire male labour power to work on the in-laws' farm plot (see section on "traditional" education). The young husband works during the first years of the marriage on his mother-in-law's lands, and part of the production of his farm plots goes into her granary.

Payment in labour power is distinguished from payment with shelter and sustenance.

a. Payment in Labour Power

Some of our interviewees (male and female) explained how they were obliged to get married and the reasons that led the parents to take this decision. We present below, the statement of Maria, 30 years old, living in Murrupula and mother of two children who have died. She explains:

"In 1977, at 10 years of age, my parents compelled me to marry a peasant of 20 years of age, because he was a good producer. After the marriage, my husband gave me a large farm plot with cassava, peanuts and beans crops and he came to help my parents on their plot. For the first days that I shared my husband's bed, I declined to have sex with him. On the fourth day the man went to sell fresh peanuts in the shops in the town and he bought me a capulana and a blouse, and he gave me the gifts only later that night. On that day he did everything to manage to carry out the sex act. I felt many pains in the vagina and the following day I left my husband's house and fled to my parents' house, which was somewhat far away. Three days later he came to get me. I tried to refuse, but my mother applied pressure, and I ended up following my husband. Two years after, I went to the initiation rites accompanied by my husband. Everything was hidden because FRELIMO prohibited it. I separated from my husband when my first child died at two months of age, because he was accused of having had outside sexual relations without carrying out the necessary traditional treatments. After having divorced 6 times, I came to devote myself to the exchange of sexual favours".

In this statement the female interviewee explains the importance that the fact of her husband being a good producer had in her parents' decision to have her marry him. It also explains the role that her mother played in convincing her to go back living and having sexual relations with her husband, illustrating as well how women perpetuate violence against their own daughters. As was observed previously, forced marriages tend to disappear and are now not accepted by young people. In a Focus Group carried out with 6 old women from Nampula, they explained to us:

"Often the contacts for the marriage were made between family members of the boy and family members of the girl, without their knowledge. In the event that the parents of the girl liked the boy, they would call the girl and ask her if she would like such a man or not. In the event of the girl saying no, they would work on the daughter for her to accept. At that time the girl would accept, given that the parents were always respected. The parents would say various things to the girl, that the boy was a good worker, that he could be a big help to the family. This kind of forced

marriage had its implications, because after getting married, sometimes the girl wouldn't accept the husband at the time of having sex. She would prefer to desert the man, to sleep outdoors or go to the home of family members. Thus, when that happened, the husband was obliged to complain to the girl's parents and they would call in their daughter and counsel her to go back to his place. At this time, the family of the woman liked the man a lot because he would always bring something or another for the parents. These marriages were generally secure because they were with cousins, and thus they were family members and it was very difficult to get out of these marriages."

The old female interviewees mention that to convince the girl to get married, recourse was had to the argument that the boy would help the parents. They also show the link that exists between the flight of the girl from the family of the husband and the increase in material benefits for her family members. Thus, flight from the husband's house was part of the established and ritualised practices marking the socialisation of violence against the girl.

b. Payment with Shelter and Sustenance due to Pregnancy

In this category are included situations in which the family of a pregnant girl compels her to marry the father of the child so as to seek to force him to support both. These situations constitute payment in kind to the family of the girl, to the extent to which it relieves them of the responsibility for the minor's sustenance. These situations constitute violation of the rights of the girl to contract marriage of her own free will, and sexual and psychological violence.

As a general rule, in cases of pregnancy, the family of the girl demands that the boy marry the same girl even if this relationship were to be considered fleeting by both of those involved. One female interviewee, Ofélia, now 20 years old and divorced, was obliged to get married when she was 16, to a man of 29 years of age who had impregnated her. She told us:

"My parents were very annoyed when I got pregnant; the decision was to throw me at him. But I never wanted to get married with a man with two wives. I didn't like that man, first because he was older than me, and also because he was married and his wife was from a family that likes sorcery. I never loved him, but at the time behind him were his goods and money. Sweet youth! I held out until I had my first child but then life became unbearable. I decided to abandon his home. Now I live here with my child."

Thus, one finds that even if forced marriages have disappeared in the city, forced marriages are still maintained with considerable vigour in the event of pregnancy.

2.1.1.2 Payment in Money

Amongst compensations in money, one may distinguish the "mahari" offered to the fiancée at the time of the marriage, from the money given to the parents of a girl by the boy, when he is

identified as having deflowered her or being the person responsible for the paternity of a child.

a. Marriage Compensation: "Mahari"

"Mahari" is compensation in money or in goods offered to the fiancée by the fiancé or his family. It is used more amongst persons who profess the Moslem religion. In the cities, depending on the possessions of the family of the husband, the "mahari" may consist in a car, a house, jewels, money, furniture or other goods. The "mahari" may be symbolic, if the families have limited resources, depending on the opinion of the fiancée and of her parents, on the possessions of the fiancé and on the state of the fiancée (virgin or not). On the day of the marriage the fiancée must say: "I agree to marry of my own free will through "mahari" of X amount (corresponding to the agreed amount). The justification for this practice is that the woman must get something. Generally, the fiancée offers part of the amount of the "mahari" to her father.

Marriages with marriage compensation are frequent in all of the areas of Moslem influence, but they do not always involve minors. We collected statements like that presented below, that illustrate the violence against the girl who is compelled to marry a man without the possibility of free choice, and the sexual violence suffered through repeated marital rapes, to which is added the payment of marriage compensation to the family members of the girl. The (female) informant related to us:

"In 1979, I was a student at Mossuril secondary school and was chosen to be a teacher, at 15 years of age. I lived with my mother, a widow. She felt that now that I was an adult and had a profession, she wanted to marry me off. I refused because I wanted to continue studying. She accepted a man of 20 years of age for an "harussi" marriage. I continued to refuse and went to speak with the Provincial Education Director to ask for a transfer to another province and in order to get out of this marriage. I didn't succeed. I was very afraid because I hadn't known any men. I was a virgin. My mother convinced me and I didn't have any other alternative than to accept. My husband wanted to try me out to see if I was "harussi", so one day we tried. It was very painful; I refused and cried a lot. That day he didn't succeed. I waited a week for him because he worked away. On the following weekend he tried once again and succeeded. I continued to have a lot of pain. I stayed in bed for one month without being able to walk nor move about, only with pains and wounds. I took treatments and hot water douches. He went to inform my mother that in fact I was a virgin, and we set the "exuwo" marriage. He paid the "mahari" to my mother. At only 15 years of age I had my first child. It was a very difficult birth and starting from that point I continued to be very ill. The doctors recommended not having children over the next 5 years so as to rest. But they gave me nothing, neither pills nor anything else. In the beginning when my husband used me I felt nothing, but bit by bit I became like other women and I started to feel. Three years later I got pregnant once more and

again had many problems. I was interned in Nampula for two months. While I was in the hospital I heard people say that my husband believed that the child wasn't his, that I was going around with a cooperant. But truth be told, he had another woman and it was a way for him to find excuses. My sister said that I no longer had a husband and that I had to ask for a divorce. He didn't make much trouble and in 1986 I got divorced. I kept my two children. As well, he didn't help much at home. I, as a teacher, earned more than he did. He earned 1600 MZM while I made 5000 MZM. He deceived me and said that he would like to invest to improve our life but in fact I later saw that it was for this other woman. He didn't stay with her either. He ended up getting married "harussi" once again, but now he isn't with her. He only left her with two children as well. I was afraid, I didn't want to get married again—as well I had only known one man, my first husband. A man appeared who liked me, I as well liked him and in 1987 I got married once more. I had a child and I lived with him until 1994. He didn't give me anything and I bore everything. We always had problems. We went a year without speaking to each other. He used to ask for money and used to say that I was making things difficult. Now I don't want a husband any more. The result of these marriages at a tender age is just ending up with the children, with the man going off somewhere else. I asked for a transfer in order to continue my studies and now I am in this primary school. I am 35. Neither of the fathers of my children helps me. Not even for clothing. My children don't know their father's clothing. I sent the oldest, 17 years of age, to be with his father to see if he could get into Industrial School, in a residential school, but he sent him back, saying that the Fathers didn't accept him. But how? I ask myself, if there are boys even older than him in this school. I am suspicious that it's because his father doesn't want to assume the expenses. The father of this last child gives me nothing either. I'm lucky to have my profession and bear up with my children. I've had a lover for three years. He is married. He doesn't give me any money! Twenty thousand meticaís a month, the other nothing. Is that money? It doesn't buy anything, but I'm getting along, bearing up with him so as to not go around here and there with many men."

In this statement the interviewee explains, recounting her life, how financial independence constitutes a decisive factor for not having to opt for having various lovers, and managing to ensure minimally the sustenance of her children. She thus became a woman who doesn't need various men to support herself. Her opinion in relation to premature marriages is also interesting because it shows the evolution that has occurred in relation to this issue.

b. Fine for Deflowering

Aside from marriage compensation involving payment in money and in kind to the family members of the girl, it was found that there is also, as in Maputo province, the levying of a fine in the event of the deflowering of a girl. The fine has a punitive character and is meant to compensate the damages caused. In a Focus Group with 4 girls from Ilha de Moçambique, they explained that their parents received fines for deflowering. The youngest, of 12 years of age, stated that she hasn't begun to

have sexual relations. Her mother controls her quite a lot, choosing to enrol her in night class where she is also studying, in order to go to school together. The other three, between 16 and 17 years of age, began their sexual activity at 11, 13 and 14 years respectively. They explained:

"We initiated having sexual relations just out of curiosity, when our parents discovered we were called in and interrogated. We indicated the person who took our virginity. Our parents met with the parents of the young men and compelled payment of an amount in retribution. The amounts varied from five hundred thousand meticaís to eight hundred and fifty thousand meticaís. Our parents used this money. We know girls whose parents obliged then to stay with the man. As far as we're concerned, beginning with that payment, we came to not respect anything. We used to go out and come back at any time we wanted. We go around with older men, as soon as they offer us something. We aren't choosy."

In Makhuwa society the practice of a fine is used to resolve various kinds of problems. Generally the solution to the conflict comes about through discussion. The setting of the fine is the result of the discussion held between the offended party and the offending party, and their respective representatives.

c. Fine for Pregnancy

The existence of a fine was also registered in the event of pregnancy. In the greater part of the cases, when a girl ends up pregnant and when the father of the child is identified, the family of the girl exercises a lot of strong pressures in order that he assume paternity and marry the girl or pay a fine. The power of the Community Court and the threat of police and imprisonment can be used to attain the objective.

If the family of the girl is Moslem, marriage and "mahari" will be demanded. If marriage is impossible, one will opt for the fine.

d. Prostitution

In the category of commercial sexual exploitation organised by the family group, appears as well the practice of child prostitution characterised by payment in money or in goods for each sexual encounter.

It is the opinion of many interviewees, men and women, consulted in the Focus Groups, that the family members of the girls (fathers/mothers, uncles/aunts or grandmothers) know about them selling sexual services to men in exchange for money and material goods, and that they benefit from this activity.

Evidence is given by 6 old women from Nampula, consulted as a focus group:

"In the current state of affairs, some economically disadvantaged parents don't do anything to the daughters, given that they are the ones who feed them. They have no say, they confine themselves to eating that which they

bring. The parents with some resources try to reprimand the girls, but they continue to disobey them."

One can set against this evidence, the thought expressed by an adult, in a group of men interviewed in Murrupula:

"The father of the girl may be against the his daughter's activity but the mother continues to be in favour, above all when the lover offers money and material goods."

Men and women present opposite opinions on who is the main person responsible for the prostitution of the girls. The men, as the statement above illustrates, point to the responsibility of the women while the women hold the men responsible.

Generally it is difficult to identify to what extent the parents are accomplices in the prostitution of the girls, but some girl sex workers explain that their parents grumbled about their non-productivity, suggesting that they were encouraged by them to choose this alternative for their survival.

2.1.2 Commercial Sexual Exploitation Organised by Outsiders
Commercial sexual exploitation organised by outsiders is taken to mean sexual relations involving payment in money, directly or indirectly, to third parties who are not family members of the children.

In Nampula City, we identify bars, restaurant, hotels and boarding houses that benefit directly or indirectly from the girls' presence in search of sexual partners. In addition to serving their clients, they sell condoms and rent rooms by the hour.

In certain cases, the owners promote commercial sexual exploitation of minors, having young people serving the clients. "We act as an appetizer", is the comment of some girls contacted. The girls that arrange clients take them to houses known to them. During our research, we noted the existence of a house managed by a woman of around 40 years of age, who rents the two rooms and living room of her house to the girls' clients. She explained to us:

"The girls wait outside the house for clients. I usually receive between 3 and 5 clients per night. On the weekends it's always full. At home I live with 3 children and 4 permanent girls, including a niece of 17 years of age. As far as I'm concerned, a girl can have sex at 13 or 14 and can give herself to clients when she feels she is a woman and thinks she can handle a man. The girls who frequent this house are between 13 and 30 years old".

In Nampula City we confirmed the existence of a place where minors engage in strip tease. The manager as yet doesn't have rooms available for the clients. At this time, the minors agree directly with the clients and they take them with them.

2.2 Commercial Sexual Exploitation Managed by the Child

Aside from the cases of commercial sexual exploitation presented above, (organised by family members or by outsiders), we came across a significant percentage of girls who negotiate sexual services on their own account and without the knowledge of their family members.

In this regard the interview with Virginia, 13 years old, living in Carrupeia, is revealing of the influence that female friends have on the behaviour of a girl whose identity is still in formation. She told us:

"I had my first period 15 days ago. I didn't tell my mother, but rather consulted a female friend to get information on how to look after myself. I began my sexual life at 12, with boys of roughly my age. I have parents who feed and clothe me. I go to school and due to seeing female friends at school eating snacks, I started to look for money to spend on snacks and on panties because they are the only things my mother can't discover. Generally the boys with whom I have sex are street vendors. For each encounter I receive ten thousand or five thousand meticaís. I don't have sex with older men because I heard it said that this can tear you. When I go with a man I observe his body and his looks, and I see if I'm running a risk of getting ill. I have never used a condom and I feel that if a man proposes to use one it would mean that he is putting me off. The only thing that I fear is getting pregnant".

Another girl, a little older, explains how she is installed in her sex worker activity and how, despite that, she still seeks to establish a solid union and have children, thus reproducing the fundamental elements of the feminine identity. She explains:

"I'm Zaida, 18 years old. I went to school until I was 15, at the Yapala mission. When I went on holiday to Nacala to visit my mother, I encountered a married white man, with children, who began to make love with me. He took me to a hotel where I stayed during 48 days. This friend came to visit me. I got pregnant at 15 and had a mulatto child who passed away at nine months. Life with this white person got me used to having resources. He treated me well and he bought me many things I still have in my house—a fridge, television, etc... When this white person went away to his homeland, he bought me a house in Nampula. I think he left because of sorcery and envy. If he were here, I wouldn't be involved in this life. Now I'm going to the street in search of men. I don't need to have many encounters per day, only that which is enough for me to eat and to support my vices. I don't like asking from friends who like me. They offer, when they have money. For example, yesterday a friend gave me six hundred contos and I bought a gas stove. Today in the hotel I went with a manager of bank X, who gave me eighty thousand meticaís. These Maputo people don't pay anything. Up till now I've had to argue a lot before taking off my clothes. It's enough for today. Tomorrow I come once again to the street. At home I have a domestic and spend close to one hundred thousand meticaís per day. When I get money, sometimes I buy shoes and clothing costing four hundred thousand meticaís or more. I would like to work or to get married. But now men are afraid of me. My brother knows—he wants me to get out of this life—but he can't support me. Therefore what is there to do? We are many in the street,

sometimes there are girls of 11 or 12 years of age who run away from home, who jump through the window. When they arrive they change their clothing." In these different interviews with girls involved in the practice of sexual relations in exchange for payment, what stands out is the fact that they develop their activity unbeknownst to their parents or against the views of their family members. They manage their own activity and find themselves in a situation in which their rights as children ought to be protected.

IV. Conclusions and Recommendations

This chapter summarizes the observations and aspects identified and discussed in the report. The opinions of the informants in relation to the causes and solutions for child prostitution, are presented with the purpose of adding to the appraisal. Finally, the recommendations arising out of the study are presented.

A. Conclusions

One of the conclusions includes a characterisation of the different situations of sexual abuse and commercial sexual exploitation that are found, a presentation of the different concepts collected in relation to the idea of the child, of sexual abuse and of commercial sexual exploitation. A comparison is also made between formal law and customary norms.

The opinions of the informants in relation to the causes and solutions for child prostitution are presented to the end of adding to the appraisal.

Throughout the document, we sought to show how the sexual abuse of the girl is contextualised within gender social relations. The sexual abuse of girls constitutes violence against women and is an expression of the unequal power relations between men and women, that impede the girls from having a full development. This violence derives, essentially, from cultural patterns and from traditional practices that perpetuate a degrading image of the woman and her low status in society and in the family. Violence against her is made worse by social pressures like being ashamed to inform against acts of violence against the girl; the lack and/or difficulty of access of the girls to mechanisms of information, legal support and protection; the incapacity in applying the existing legislation due to a lack of sensibility in relation to violence against girls.

1. Situation of Sexual Abuse and of Commercial Sexual Exploitation of Children

Following the international concepts presented in conventions ratified by Mozambique, child prostitution is included within the concept of commercial sexual exploitation defined as **"sexual abuse carried out by an adult and involving payment in money or in kind to the child or to third parties"**³².

³² World Congress Against Commercial Sexual Exploitation of Children, 1996.

Sexual abuse is defined, in turn, as an **"illegal sexual relationship"**³³. Consequently, we sought to classify the various kinds of sexual relations involving an adult and a child, and which are considered illegal from the point of view of international law. Sexual abuses are distinguished as a function of two criteria, the first being the involvement of a payment in money or kind, and the second according to who commits the sexual abuse. Thus we distinguished cases perpetrated by family members, by outsiders and those managed by the child.

1.1 Sexual Abuse

It was found that the greater part of sexual abuses are perpetrated by family members. These are forced marriages without marriage compensation and rapes of minors within the marriage. Generally these sexual relations are considered acceptable by the interviewees (male and female). However, different opinions are observed as a function of gender relations, characterised by age, sex, area of residence, qualifications, and religion of the interviewees (male and female). In the urban areas, forced marriages are now not practised and accepted by the majority of the interviewees, particularly young people. Forced marriages due to pregnancy of the girl, are carried out in the urban areas but they aren't approved of by young people, of both sexes. Marital rape or obligation on the part of the woman to have sex with her husband on the marriage day, are generally less accepted by women than by men.

We register, as well, sexual abuses practised by individual family members through magico-religious practices. These are seen by the interviewees in various ways, depending on individual convictions as influenced by religious and other factors. Sexual abuse practised by family members and not related to magico-religious practices, is generally condemned but managed within the family context.

Amongst the sexual abuses perpetrated by outsiders, are present sexual relations carried out with or without the use of violence, without payment in money or in kind, to the minor or to a third party. When there is use of violence and when the girl is under 13 years of age, these abuses are severely condemned by the interviewees (male and female). When the girl has reached an age that allows for engaging in sex, according to the interviewees (male and female), one observes a minor tendency to condemn such a relation. Even if there is an occurrence of violence, there is a tendency to consider that the girl was provocative. When no physical violence takes place, the abuse of power of the adult

³³ Convention on the Rights of Children, 1989.

over the minor is generally not taken into consideration by the interviewees (male and female).

1.2 Commercial Sexual Exploitation

The majority of the cases of commercial sexual exploitation are perpetrated for the benefit of third parties, generally family members and, in a lesser proportion, outsiders.

One distinguishes between those cases perpetrated by family members, those marriages carried out with marriage compensation in money or in goods ("lobolo" or "mahari") or with compensation in labour (in Nampula province). These marriages, when carried out with the consent of the engaged couple, are generally accepted, both in urban and in rural areas. In the rural areas forced marriages continue to exist, while in urban areas they aren't accepted essentially by young people (male and female). Amongst the cases perpetrated by family members, situations are found where a fine gets applied for deflowering or pregnancy, or when the partners are compelled to get married (to provide shelter and sustenance to the girl and her child). These situations are generally accepted, with the exception of marriage due to pregnancy carried out without the consent of the partners (in the urban areas).

Commercial sexual exploitation (prostitution) organised by outsiders, or when outsiders derive benefit from it, isn't accepted, in the same way that commercial sexual exploitation (prostitution) isn't accepted when managed by the child him/herself, especially when it is very visible (girls in the street late at night, with provocative clothes on) or when the girls are used for strip tease (a situation verified in Nampula City).

1.3 Dealing with Cases of Sexual Abuse and Commercial Sexual Exploitation

Cases of sexual abuse and of commercial sexual exploitation rarely make it to the competent district or provincial courts. Customary norms, applied within the family or by the Community Courts, prevail in their outcome, at times with threats of communication to the police or charges in court, only as a way of pressuring to get satisfaction of the compensations demanded by the family (fine, marriage compensation, marriage), when recourse to customary law does not constitute sufficient pressure. In 1996, two rapes of minors under 12 years of age were tried in Maputo Province and no cases of sexual crimes were tried in Nampula.

The lack of cases presented to this level is also determined by the conviction according to which cases in the police and courts are slow moving and burdensome, and their outcome (for example imprisonment of the author of the abuse) don't resolve the social

problem created, be that the degrading of the girl as private goods, or a situation of pregnancy arising from this abuse.

2. Comparison of Formal Law and Customary Norms

A large part of the cases of sexual abuse and commercial sexual exploitation perpetrated did not come to constitute any violation of the system of habits and customs whose legality is recognized and sanctioned by the creation of the Community Courts, thus instituting a legal dualism. However, the decisions taken at this level are clearly and unequivocally unlawful, not only because the customary norms are unlawful from the point of view of the formal law, but also because the courts presently in operation at the community level weren't established by the mechanisms defined by the law that creates them.

In the face of this situation of judicial dualism, one finds:

- a contradiction between some prescriptions of the customary law and of the formal law;
- that some concepts of the formal law have no equivalent at the level of customary law;
- that the international conventions underwritten by the state, aren't received by the customary law nor reconciled with the legislation in effect;
- that the state doesn't have the capacity to influence the development of the customary law;
- that the institutional capacity of the state to watch out for the application of the law, is very weak.

It is in consciousness of the fact that the formal law and the customary norms rest on different rules that make any action acceptable or reprehensible—able to be resolved or punishable—that the analysis carried out in relation to the cases of sexual abuse and commercial sexual exploitation of minors takes place. Throughout this analysis, we distinguish in relation to the handling of these cases, the points of convergence and the contradictions that exist between these two systems, one formal and the other informal, as well as the reasons that lead to the use of one or the other of the two, simultaneously, in the solution of given issues.

2.1 Concept of the Child

The concepts adopted in the two systems are apparently contradictory. With the exception of certain cases like, for example, marriage age, the age of majority is set at 18, that is, for 18 years following birth, a citizen is legally taken to be a minor in the civil and penal legislation. At the level of customary law, it is considered that the child reaches adulthood between 13 and 15 years of age. But, if on one hand it is considered that their physiological development (and by extension

sexual development) is complete as of this age, on the other it is felt that their autonomy and responsibility as individuals is only reached later. Thus, sexual maturity isn't the only presupposition for marriage and establishment of a home. One finds that, both at the level of customary law and that of formal law, there is discrimination against the woman, who reaches adulthood around 13 years of age, in the customary law, and marriage age (emancipation) at 14 years of age, in the formal law, while the boy is considered adult about 15 years of age in the customary law and may be emancipated starting at 16 years of age, according to the formal law. This situation violates, in both cases, the concept of non-discrimination in relation to woman, adopted in international conventions and underwritten by Mozambique.

2.2 Concept of Sexual Abuse and Commercial Sexual Exploitation

International legislation defines sexual abuse as "an illegal non-commercial sexual relationship" and commercial sexual exploitation as "sexual abuse carried out by an adult, involving payment in money or in kind to the child or to third parties." International law aims to penalize the persons that perpetrate the sexual abuse and commercial sexual exploitation of the child, as well as the physical and psychological protection and recovery of the victims.

Mozambican law has a series of provisions aiming at penalizing various kinds of sexual crimes (rape, rape of a minor, indecent assault, intercourse with a minor under 12), including prostitution. The sentences applicable to the different crimes vary from 2 days to 12 years. The legislation also sets out the protection of the victims, their assistance and education. The existence of legislation on prostitution is generally unknown by the interviewees (male and female), including those (male and female) from the Ministry of Justice.

Under the **customary norms**, the idea of sexual abuse isn't static, but varies as a function of that which, for example, is considered incest in a given ethnic group, of the cultural characteristics of the area, of sex, of religious family influence, of the level of formal education of the persons involved, etc...

The following was observed:

- In the light of customary law, the woman has no control whatever over her marriage, nor over her sexual and reproductive health. Sexual activity is understood as a private good, controlled by the family before marriage and by the husband in the future. Consequently, any and all sexual relation is considered illicit when it occurs outside of marriage.

- Essential differences determine the fact that sexual coercion is seen to be acceptable or to be condemned, depending on various factors, like the fact of the woman being a virgin or not, the whom she belongs, with whom she had relations (if access by that man to that woman is authorised by a prohibition or taboo) and on the nature of the sexual relation in question (with penetration/without penetration).
- The loss of virginity (in some areas) but, above all, pregnancy, create an obligation of marriage with payment of marriage compensation ("lobolo" or "mahari"). If marriage isn't possible, a fine will be applied with a maximum value equivalent to the marriage compensation.
- Sexual relations against the will of the woman outside of marriage (with the use of force, threat, insistence, deceit or other pressures of an economic or cultural nature), do not produce a penalty that is different from the cases presented above. In many cases, the girl is obliged to marry the aggressor.
- There are no sanctions for sexual relations between adults under 18 years of age, even if there is a large difference in age between the two partners;
- There are punitive measures anticipated when the sexual relation occurs with a child under 10 years of age, who had not yet been promised in marriage (payment of a fine). But generally, these cases are perpetrated by family members of the child, hidden under cover of phenomena connected to magico-religious practices and, as such, resolved within the context of family secrecy;
- The prison term set out for cases of sexual abuse and commercial sexual exploitation do not differ: when the consequence of the sexual relation is pregnancy, the father should take responsibility for the mother and the child, and/or pay marriage compensation or a fine; when there is no pregnancy, the penalty contemplates only payment of the fine.
- Open prostitution, when the girls are on the street or when strip tease shows are presented (situation verified in Nampula), is condemned. However, in customary law there is no penalty beyond rebuke.

The main contradictions between customary norms and the formal law, in relation to the sentence in cases of sexual abuse, reside in the following:

- The concepts of sexual abuse and of commercial sexual exploitation that exist in the formal law, find no correspondence in the customary law;
- Customary norms follow a conciliatory approach aimed principally at the solution of the problem from the socio-economic point of view of the offended family (ensuring, with the fine, compensation for the devaluation of the girl or

ensuring the establishment of a home and the sustenance of the child in the event of pregnancy), while the formal law is essentially punitive, promoting the imprisonment of the aggressor and the protection of the victim;

- Organised commercial sexual exploitation by outsiders or by the child him/herself, isn't accepted by the customary norms, but it is tolerated. In the formal law it is penalized;
- The customary norms include the penalizing of the victim (getting married against one's will in the event of pregnancy, or to the rapist) while the formal law sets out her protection.

In relation to **points of convergence** the following was found:

- A tendency to penalize the sexual abuse of a virgin more than others;
- Sexual abuse within marriage isn't contemplated;
- Organised commercial sexual exploitation by family members is socially accepted and encouraged through social norms and customs ("lobolo", "mahari") and from the point of view of the formal law, Mozambique doesn't have legislation in this regard (with the exception of the international conventions that have been ratified);
- Sexual abuse organised by two families (forced marriage) is generally socially accepted (with the exception of the urban areas) and, from the point of view of the formal law, Mozambique has no legislation in this regard (with the exception of the international conventions that have been ratified);
- Cases perpetrated by outsiders, sexual relations with a woman not promised in marriage and that ends up in pregnancy, and deflowering (in the communities where virginity is valued) are generally not accepted.

3. Opinions of the Informants: Causes and Solutions

We opt to present the opinions of the interviewees (male and female) in relation to the reasons that lead under-age girls to become sex workers.

Amongst the causes of child prostitution most frequently cited by the interviewees, are the loss of moral values in society, as a consequence of the violent social modifications that have occurred. Amongst these, the following are prominent:

- Poverty and seeking better living conditions, responsibility for which rests with the government, which is called on to take urgent measures to alter this situation;

Adult male interviewees in Nampula explained:

"One can't fight prostitution—to each his own. One can't fight against the rich, the rulers, the Ministers. They're the ones who use the girls, not the poor. We are sunk, without the possibility of intervention. The parents themselves are also involved in prostitution; it means economic crisis,

generalised prostitution. It is the economic conditions that determine the possibilities for intervention".

- The sudden changes that have occurred since independence, that are manifested in the attempt to abolish certain cultural values (initiation rites, traditional authority, "lobolo", polygyny) and the introduction in their place of new values and concepts (equality, construction of the new man) including concepts connected to the education of children (for example not beating children), shook the previously existing family relationships;
- The war, a destabilizing element, destructive to respect for the individual (in particular by children) and to means of survival, giving rise to the massive and sudden population flow to the urban centres;
- The current political and economic phase of the country, characterised by "unbridled capitalism" and by the rapid introduction of new models of behaviour, evident in soap operas and pornographic videos and films, that proliferate in an uncontrolled way and that promote doubtful models of relations between persons and sexual behaviours that are foreign to the local culture that, due to a lack of terms of comparison, are assumed as the Western model of society and rapidly assimilated.

As possible solutions, the interviewees point to:

- The revitalisation of traditions, initiation rites and traditional authority;
- The involvement of religious organisations and of civil society in the debate and in the search for solutions at all levels;
- The clear definition of guidance, on the part of the government, so as to provide leadership to the process;
- The control of the content of films and soap operas and of the schedules for their presentation on television;
- The control of the entry of minors into cinema and video houses, particularly in relation to pornographic and violent films;
- Control on entry to bars and nightclubs by minors;
- Control on the use of female labour in bars and restaurants;
- A prohibition on entry into boarding house and hotel rooms by minors.

In relation to prostitution as a social phenomenon, the majority of the interviewees are of the opinion that this is a phenomenon which is difficult to eradicate. Attempts to abolish prostitution in the colonial period and following independence are alluded to, as are the poor results obtained.

They are of the view that, at this time, this work constitutes a way to create important income for the families of the girls involved.

They consider important the mobilisation of the rich and of the leaders, to provide an example.

Specific proposals refer to:

- Opening of schools close to the family residence;
- Creation of residences in the schools for the protection of female minors;
- Creation of specialised schools or centres for the training and re-insertion of the girls that are in the "immoral life" or who lack alternatives for survival.
- The creation of jobs for girls and single mothers, allied to vocational training for women and to specific projects for young people.

Some of the interviewees (male and female) focused on aspects directly connected to the irresponsible behaviour of men and to the absence of sustenance for their children. They appeal for efforts to instill morality in the men, for respect for the girls and for consciousness-raising in society on the consequences of this kind of attitude on their children.

B. Recommendations

Below, the recommendations arising from the observations and from the analysis developed in the report are summed up.

The recommendations presented have as their objective, to support the existing initiatives, aiming at creating an inter-ministerial coordination group on child prostitution and sexual abuse of minors. The second objective targeted in the recommendations, is to raise consciousness in society on the rights of girls and women and on violence exercised against them through sexual abuse and commercial sexual exploitation. Finally, interventions are proposed aimed at the implementation of measures that penalize the criminals.

1. Get initiatives moving targeting the taking of measures against sexual abuse and commercial sexual exploitation of children

Help the "Coordination Group on Child Prostitution and Sexual Abuse of Minors", that includes all the ministries linked to the issue (MICAS; MINED; Culture Youth and Sport; MISAU; Interior; Industry, Trade and Tourism)

- Develop coordinated actions between those various ministries, to ensure that the necessary interventions be taken up by the competent institutions.
- In each Ministry, draw up and establish a system of monitoring and focal points.

- Reinforce coordination between the state and civil society.
- Develop international cooperation, aimed at eliminating commercial sexual exploitation and the traffic in children.
- Identify and develop studies aimed at drawing up of customised measures.
- Allocate substantial material and human resources where needed, including consultancies, scholarships and trips to exchange experiences, holding of seminars, etc...

Reinforce the capacity of MICAS to coordinate the interventions at national level

- Help the Department of Children, Women and the Family in the drawing up of a strategy to fight sexual abuse and commercial sexual exploitation of children.
- Help staff, at central and provincial levels, to develop knowledge and capacities to fulfil their functions.
- Carry out analysis of the legislation on minors and make proposals for drawing up a Minor's Statute.
- Carry out specific studies on access to health and justice, on the part of the victims of sexual abuse.

2. Raise Consciousness in Society

Mobilise civil society to contribute to the prevention and elimination of sexual abuse and commercial sexual exploitation

- Launch a petition to ask for consistent legislation on sexual abuse and commercial sexual exploitation.
- Organise expert groups to draw up proposals.
- Establish a group of victims of sexual abuse and commercial sexual exploitation at national level and create self-help groups at local level.
- Establish focus and support groups to deal with cases of sexual abuse and commercial sexual exploitation.
- Take the required measures (formal laws and public information) to ensure the same right for adults to contract marriage and to freely choose their spouse without use of violence, threats, insistence, deceit, cultural expectations or economic circumstances.
- Produce and distribute a manual on mechanisms to be followed and support institutions in cases of sexual abuse.

Ensure that the families and persons entrusted with the child's education, assume their responsibility in the prevention of sexual abuses and commercial sexual exploitation

- Encourage the family and society to inform against cases of sexual abuse of minors.
- Encourage the parents to speak with the children so that they denounce sexual abuses.

- Organise sensitivity programs through the media, to educate members of the government and the public in general on the impact of sexual abuse and commercial sexual exploitation.
- Train teachers to assume their responsibilities as educators of the children, to disseminate and enforce the legislation.

Educate children to protect themselves against all forms of sexual abuse and commercial sexual exploitation

- Develop programs of formal and informal education for children.
- Involve the children in self-help groups.
- Encourage the children to inform on whatever kind of abuse that may be committed by adults who enjoy their confidence.

3. Protect children and penalize sexual abuse and commercial sexual exploitation of children

Establish a consistent and gender-sensitive national legal framework on sexual abuse and commercial sexual exploitation.

- Disseminate and apply the existing laws with reference to sexual abuse and commercial sexual exploitation of minors, along with a study on legalization of prostitution for those who have reached the age of majority.
- Establish dialogue with the customary law so as to harmonise the two systems.
- Analyse and review the laws, so as to eliminate sexual abuse and the sexual exploitation of children.

Establish the necessary mechanisms for the application of the existing legislation on protection of minors

- Create juvenile courts and train staff in each province.
- Create the establishments foreseen in the Statute of Legal Assistance to Minors in the Overseas Territories, so as to ensure the protection of minors.
- Appoint and train staff specialised in dealing with children, within the various institutions (Health, Interior, etc...) aimed at application of the legislation.

Establish measures aimed at the eradication of sexual discrimination against woman

- Establish programs aimed at ensuring a woman's control over her sexual and reproductive health (right to abortion, family planning for minors).
- Reconsider the right of adult women to market sexual services for money and to exercise control over their sexuality with full rights.
- Promote economic independence for women (establish quotas of female labour in enterprises, disseminate and ensure application of the rights of women to food, etc...).

- Ensure to girls, educational conditions in accordance with their degree of vulnerability to sexual abuse and commercial sexual exploitation.
- Draw up programs aimed at eliminating prejudice and customary practices that rest on the idea of the inferiority of one or other of the sexes.

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Appendix 1

Terms of Reference

An Investigation of the actual situation of child prostitution in Mozambique

1. Background

Adolescence makes the child become an independent adult. Economic and social dependence from the parents break, giving way to and an intense sexual, psychological and emotional development. The first menstruation is an important event in the girl's life, as it marks the entry to adult life.

The age at which a child starts to prostitute is increasingly diminishing. In most cases prostitution is consequence of the vicious cycle of poverty, which forces children to earn money at an early age. As average, girls are more easily forced into prostitution than boys.

The UN Human Rights Commission estimates that in the world 10 million people under 17 are forced to prostitution.

Before the first sexual intercourse, girls' families from the South of Mozambique receive 'lobolo', a kind of endowment given by the male; in North of the country, more specifically in Nampula Province, the "adult girl" receives some presents from the male.

Can this offer of material benefits in exchange of sex be a determinant factor in prostitution rates? Is prostitution an urban phenomena or is it also practised in rural societies? What are the actual reasons for this phenomena? What are the proposed alternatives for child education?

These are some of the questions that this study aims at. Therefore the study will concentrate in both urban and rural areas in Maputo and Nampula Provinces.

Nampula Province has been selected given the concentration of the Netherlands Development Aid to Mozambique with focus on rural development. This Province has a different cultural structure from the south, i.e. matrilineage versus patrilineage, which is

very likely to reveal differences in perception and recognition of child prostitution.

2. General Objective

The general objective of this investigation is to outline the phenomena in both urban and rural areas and to find out the causes of child prostitution in order to identify some form of future support.

Special focus will be given to child prostitution from the perspective of education, and the study will also identify concepts and practices that promote this phenomena in urban and rural areas.

In this view, not only is it important to analyze the aspect of human rights in relation to child prostitution, but also the legal implications vis a vis the Mozambican legislation and the Convention on the Rights of Children.

The involvement of the Government will also be a matter of concentration.

3. Scope

With reference to the above mentioned aspects, the study will concentrate on, but not necessarily be limited to the following issues:

- i. desk study of all available documentation at various institutions (UEM, CEA, MISAU, MICAS, International Organizations, etc.);
- ii. interviews with groups that can provide information on the subject: prostitutes (male and female), clients, youngsters, bar tenders, parents, elders, teachers, students, etc;
- iii. interviews with Government and institutions: Ministry of Social Action and Ministry of Health, national and international organizations that work for/with children, religious groups; and
- iv. field interviews in urban and rural areas.

To facilitate the consultant's work, the Netherlands Embassy will request the Ministry of Social Action and/or the Ministry of Health to provide institutional support to the investigation.

4. Geographic area

The investigation will be executed in Maputo City, Maputo Province (Manhiça and Moamba districts), the city of Nampula and Nampula Province (Murrupula and Angoche districts).

5. Time schedule and workplan

The total duration of the mission will be 7 weeks, divided as follows:

Week 1 (Maputo)

- Desk research of existing material
- Contacts with institutions
- Recruitment and training of interviewers
- Elaboration of questionnaires for the various interviews.

Week 2 & 3 (Maputo)

- Field work (2 days in peripheric areas and 2 days each in Manhiça and Moamba)
- Interviews with institutions/persons/groups

Week 3 to 5 (Nampula)

- Recruitment and training of interviewers
- Planning of the investigation
- Field work ((2 days in peripheric areas and 2 days each in Murrupula and Angoche)
- Interviews with institutions/persons/groups

Week 5 & 6 (Maputo)

- Last interviews
- Data analysis
- Final report

6. Output

The report will be sub-divided into the following parts:

- i. an introduction with a general approach of the subject;
- ii. one part dedicated to each Province separately, with the distinction between the rural and urban areas; and
- iii. conclusion and recommendations for future policies and possible areas of support.

A draft report in Portuguese will be submitted to the Embassy two weeks after the termination of the mission (not later than 28 March 1997). Once the draft is approved, the original with one copy of the final Portuguese version will be made available to the Embassy within one week. An executive summary in the English language of maximum of 2 pages will be annexed to the Portuguese report.

Appendix 2

Activities Undertaken

February 5 to 7

- Participation in the National Seminar on "Child Prostitution and Sexual Abuse of Minors", organised by the Ministry for Coordination of Social Welfare, in Maputo.

February 17

- Interviews with:
 - Marlene Rosa Manjate, National Program to Control STD/AIDS (MISAU);
 - António Noya, National Program to Control STD/AIDS (MISAU);
 - Andrew Karlyn, specialist in research, PSI.
 - Training of the interviewers

February 18

- Interviews with:
 - António Eugénio Zacarias, Legal Medicine, Maputo Central Hospital;
 - Maria da Luz Vaz, Head of the Department of Mother and Child Health (MISAU);
 - Maria Alexandra Zamba, Judge of the Maputo Juvenile Court, 2nd section;
 - Amélia Cunha, Maputo City Health Directorate;
 - Patrício José, lawyer, Association of Friends of Children;
 - José Pinto de Sá, journalist.

February 19

- Interviews with:
 - Françoise Legrand, Médecins du Monde.
 - Training of the interviewers.

February 20

- Interviews with:
 - Olinda Mugabe, Director of AMODEFA;
 - Mohamed Aminodine, Mozambique Islamic Council.

February 21

- Interviews with:
 - Custódio Zandamela, Head of the National Department of Health and Social Welfare, General Command of the PRM for Maputo City, Ministry of the Interior;
 - Macamo, head of the Port Health Post.

February 24

- Interviews in Ressano Garcia.

February 25

- Interviews in Ressano Garcia.

February 26

- Interviews with:
 - António Bugalho, Director of the Maternity Facility of Maputo Central Hospital;
 - Maria Benvinda D. Levi, Judicial Tribunal of Maputo City.

February 27

- Interviews in the District of Marracuene, Locality of Nhongonhane.

February 28

- Interviews in the District Seat of Marracuene and in the Locality of Nhongonhane.

March 1

- travel Maputo/Nampula (departure 7:15 am, arrival 9:10 am).
- Training of the interviewers in Nampula.

March 2

- Training of the interviewers

March 3

- Interviews with:
 - Alvaro Zima, Provincial Director of Social Welfare;
 - Francisca Julieta Alfredo and Augusto dos Santos Tavanha, Primary School Pedagogical Department, Provincial Education Department of Nampula;
 - Carlos Segundo, OJDR;
 - Dionísio Cherewa, Secretary of ASSANA;
 - Micaela Salé, Salama;
 - Maria Singano, who works with street children.

March 4

- Interviews with:
 - Ibrahim Issufo, Representative of the Moslem Community in Nampula;
 - Manuel Justino Sacrés, Head Attorney, Provincial Attorney General's Office of Nampula;
 - Alberto Viegas, Researcher;
 - David Augusto Chiconela, Legal Sponsorship and Assistance Institute;
 - Martinho Maricoa, Dance Technician.

March 5

- Interviews in the Administrative Post of Muale, Nampula City;
 - Abdala, Head of the Department of Nursing, Nampula Central Hospital;
 - Abdulrazaque, President of AMETRAMO;
 - Elvira Compta, Provincial Secretary of the OMM.

March 6

- Interviews in the Administrative Post of Muale, Nampula City.

March 7

- *Interviews in the District of Murrupula.*

March 8

- *Sum-up meeting with the male interviewers.*

March 9

- *travel Nampula City / Ilha de Moçambique.*

March 10

- *Interviews on Ilha de Moçambique.*
- *interview with Armando Ussufo, Provincial Commander of the PRM in Nampula.*

March 11

- *Interviews on Ilha de Moçambique*
- *Return to Nampula City*
- *Interviews in the District of Murrupula*

March 12

- *Interviews with:*
 - *Adelino Ivala, Director of the Pedagogical University*
 - *Salimo Nazário, Head of the Department of Tourism, Provincial Industry and Tourism Department*
- *Analysis of the data collected*

March 13

- *Analysis of the data collected*

March 14

- *Analysis of the data collected*
- *Interviews with Aurélio Abibo, Head of the Cultural Action Division, Provincial Department of Culture, Youth and Sports*

March 15

- *travel Nampula/Maputo (departure 9:55 am, arrival 12:45 pm)*

March 16 to March 31

- *Writing of the final report*

Appendix 3

Persons Contacted

Maputo Province

Maputo City

- Amélia Cunha, Maputo City Health Directorate
 - Andrew Karlyn, Specialist in Research, PSI
 - António Bugalho, Director the Maternity Facility of Maputo Central Hospital
 - António Eugénio Zacarias, Legal Medicine, Maputo Central Hospital
 - António Noya, National Program to Control STD/AIDS (MISAU)
 - Arone Júlio Nhaca, Provincial Guardian, Attorney General of the Republic for the Area of Minors in the Maputo City
 - Custódio Zandamela, Head of National Department of Health and Social Welfare, General Command of the PRM for Maputo City, Ministry of the Interior
 - Francisca Sales, Ministry for Coordination of Social Welfare
 - Françoise Legrand, Médecins du Monde
 - José Pinto de Sá, journalist
 - Macamo, head of the Port Health Post
 - Maria Alexandra Zamba, Judge of the Juvenile Court of Maputo, 2nd section
 - Maria Benvinda D. Levi, Judicial Tribunal of Maputo City
 - Maria da Luz Vaz, Head of the Department of Mother and Child Health (MISAU)
 - Marlena Rosa Manjate, National Program to Control STD/AIDS (MISAU)
 - Mohamed Aminodine, Islamic Council de Moçambique
 - Olinda Mugabe, Director of AMODEFA
 - Patrício José, lawyer, Association of Friends of Children
- Maputo City, Maxaquene neighbourhood*
- António Sobrinho Maibeque, Head of Operations for the 11th Precinct Police Station
 - Julião Cumbe, Emergency Department of Mavalane Hospital
 - Lázaro Machava, Circle Secretary, Maxaquene "C"
 - Landmark Mazuze, President of the Community Court of Maxaquene neighbourhood
 - Rafael Filipe Damuza, Principal of Kurhula Primary School, Maxaquene neighbourhood
- District of Marracuene and Locality of Nhongonhane*
- Adélia Silva Marquel, Secretary of the neighbourhood OMM
 - Araújo, in charge of the Criminal Investigation Police in the district
 - Fabião Sitei, Principal of Balaze Primary School

- Fernando Magaia Mabzaia, traditional leader
- Georgina Magaia, Second Assistant, OMM
- Judith Magaia, Deputy Secretary of the district OMM
- Marta Julião Macuácuá, Deputy Neighbourhood Secretary
- Salvador Naftal Chaúque, Records and Notary Official and Chief Justice of the District Court

District of Moamba, town of Ressano Garcia

- 3 leaders of the Church of Zion
- Armino Ernesto, teacher in the Ressano Garcia Primary School
- Catarina Chivitane and Carolina João Doce, Secretary of the Market OMM
- Filipe Carlo Zimba, Head Nurse at Ressano Garcia Hospital
- Missionary Sisters of S. Carlos Borromeo Scalabrinianas
- Leonardo Carlos Charamadane, Police Post of CFM Neighbourhood
- Manuel Bié, Vice-President of the Churches of Ressano Garcia
- Norul Amin, Abdul Fataha and Jamal Ilhasse, Moslem community of Ressano Garcia
- Pedro Luis Watimane, Administrator, Administrative Post
- First Circle Secretary of Olosa neighbourhood
- Zacarias Frazão Nhatave, President of the Community Court of the Locality of Ressano Garcia.

Province of Nampula

Nampula City

- Abdala, Head of the Department of Nursing, Nampula Central Hospital
- Abdulrazaque, President of AMETRAMO
- Adelino Ivala, Director of the Pedagogical University
- Alberto Viegas, researcher
- Alvaro Zima, Provincial Director of Social Welfare
- Armando Ussufo, Provincial Commander of the PRM
- Aurélio Abibo, Head of the Cultural Action Division, Provincial Department of Culture, Youth and Sports
- Carlos Segundo, OJDR
- David Augusto Chiconela, Legal Sponsorship and Assistance Institute
- Dionísio Cherewa, Secretary of ASSANA
- Elvira Compta, Provincial Secretary of the OMM
- Francisca Julieta Alfredo and Augusto dos Santos Tavanha, Primary School Pedagogical Department, Provincial Education Department of Nampula
- Ibrahim Issufo, representative of the Moslem community of Nampula
- Manuel Justino Sacrés, Head Attorney, Provincial Attorney General's Office of Nampula
- Maria Singano, who works with street children.

- Martinho Maricoa, Dance Technician
- Micaela Salé, Salama
- Salimo Nazário, Head of the Department of Tourism, Provincial Industry and Tourism Department

Administrative Post of Muale, Nampula City

- Danhinio Bakal Jamal, Pedagogical Assistant, Muhala Expansion EP2 School (second level primary school)
- Daniel Pastola, "Mwene" (traditional leader) Cutar, Namutequeliwa
- Joaquim Hermínio, Principal of the Muale EP2 (second level primary school)
- Momad Omar, Neighbourhood (Bairro) Secretary of Namutequeliwa
- Muazize Omar, Secretary of the Muale OMM
- Ricardo Nicupi, Official in the Namutequeliwa Court
- Rita Chuwa, traditional healer, Mutomote neighbourhood
- Teixeira Muanoguessa, Vice-Commander of the 4th Precinct Police Station
- Uassene Movera, "Chêhe" of Namutequeliwa

District of Murrupula, Town of Murrupula and Locality of M'puata

- António Mário Aguiar, Zionist nreligious leader
- António, Pricnipal of the EP2 (second level primary school)
- Aristides Choveque, Head of the Murrupula District PIC Brigade and Substitute Commander
- Castro, Neighbourhood (Bairro) Secretary of M'puata
- Eleutério Carvalho Niquina, District Health Department
- M'puata, régulo of M'puata
- Sita Salimo, Official in the Civil Records Office

District of Ilha de Moçambique, Town of Ilha de Moçambique

- Abdurremane Amur Gimba, leader of the Mozambique Islamic Conference, Vice-President of the AAI Assembly
- António Manhiça, Substitute Commander of the RPM
- Assuad Assane, Records Official and Notary Public in the Records Office
- Atija Momad, traditional healer
- Emiliano Rómolo, Principal of the EP2 (second level primary school)
- Joaquim Matabicho, District Health Department
- José Augusto Muansinar, President of the District Court
- Maria João, traditional healer and "apwiamwene" (traditional leader)
- Mufia Jamal, teacher EP1 (first level primary school)
- Father Lopes, religious leader
- Verónica Ração, Matron

Appendix 4

Glossary

- "Nihimo": A spiritual and esoteric entity transmissible exclusively through women. It is also the name by which people who have received the same "nihimo" recognise each other. It is the name of the clan.
- "Harussi": Used to characterise the marriage of a virgin or of a man with a girl who is a virgin, or to characterise the state of virginity of the girl.
- "Lobolo": Monetary compensation or compensation in goods, offered to the fiancée or to the parents of the fiancée by the fiancé or his family. Used more in the southern part of the country.
- "Mahari": Monetary compensation or compensation in goods, offered to the fiancée or to the parents of the fiancée by the fiancé or his family. Used more amongst persons who profess the Islamic religion.
- "Exuwo": Marriage with a deflowered, divorced or widowed woman.
- "Chêhe": Islamic religious leader.

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