

Law no. 7/2008

of July 9

There being the need to supplement legal mechanisms to promote and protect the rights of children, by the powers vested in it by no. 1 of Article 179 of the Constitution of the Republic, the Assembly of the Republic rules:

TITLE I ***General Part***

SUBTITLE I ***(General provisions)***

Article 1 **(Object)**

It is the object of this law to protect children and therefore to reinforce, extend, promote and protect the rights of children as defined by the Constitution of the Republic, the Convention on the Rights of Children, the African Chart on the Rights and Welfare of Children and other legislation on the same matter.

Article 2 **(Principle of universality)**

1. This law is applicable to all children independently of their color, race, gender, ethnic origin, place of birth, religion, level attained in formal instruction, social status, parents' marital status, physical and psychological condition.
2. The principle established under the above is applicable to refugee children without any restrictions.

Article 3 **(The concept of child)**

1. A child is any person aged under eighteen years.
2. In cases anticipated by law, this Law is also applicable to underage persons over eighteen and under twenty-one years of age.

Article 4 **(Fundamental rights)**

1. Children are entitled to all the fundamental rights of human beings and also the integral protection which is the concern of this Law; so through an adequate legal framework and other means, to provide them with all opportunities to develop physically, mentally, morally, spiritually and socially, in freedom and dignity.
2. Children cannot be discriminated against for their color, race, gender, religion, ethnic origin, birth, socioeconomic status, health condition or disability.

Article 5 **(Special rights)**

1. Children have the right to grow in a loving, nurturing environment, in happiness, security and peace.
2. Children have the right to live in a family where family members respect each other, and special respect is given to elder members, and where Mozambican identity is consolidated, along with its traditions and socio-cultural values.
3. Children have the right to be educated in observance of duty to their society and common good.

Article 6 **(Prohibition of neglect, discrimination, cruel and violent treatment)**

No child may be subject to negligent, discriminatory, violent and cruel treatment, nor be the object of

any form of exploitation or oppression, all acts that translate into a violation of these principles being punishable by law.

**Article 7
(Establishment of rights)**

1. With due observance to the Law on Family, family, community, society and the State must ensure that the child is given absolute priority to its right to life, health, food security, education, sports, leisure, work, culture, dignity, respect, freedom and family and community conviviality.
2. The establishment of the rights enunciated under this law includes:
 - a) priority in receiving protection or aid under any circumstances
 - b) priority service from public organizations
 - c) preference in drafting and execution of public policies within the fields of economy and social regulations
 - d) preferential allocation of public resources within field connected with child and youth protection.

**Article 8
(Duties of the child)**

With due observance of complementary legislation, a child, according to its age and maturity, must:

- a) respect parents, family members, teachers, educators, the elderly, disabled persons and assist them in case of need
- b) participate in family and community life, in the development of the country and the preservation of the environment, putting its physical and intellectual capabilities in the service of the Nation
- c) contribute to preservation and strengthening of the family, of cultural values and national unity in a spirit of peace, tolerance, dialog and solidarity.

**Article 9
(Interpretation and enforcement)**

1. When interpreting this Law one must take into account the child's best interest, the social purpose this law serves, the demands of the common good, the individual and collective rights and duties and the child's special predicament as a developing person.
2. Should there be a legal norm where the rights of the child are held in lower regard, the provisions of this law shall prevail.
3. For the purpose of this law, the child's best interest is anything relating to the defense and safeguarding of the child's integrity, identity, maintenance and sane, harmonious development.

**Article 10
(Conformity)**

All child-related legislation approved after publication of this law must conform to the principles set forth herein.

***SUBTITLE II
Fundamental rights of the child***

***CHAPTER I
Right to life and health***

**Article 11
(Scope of the right to life)**

The right to life comprehends respect for life, as well as physical, moral and mental integrity and the child's wholesome development.

**Article 12
(Scope of the right to health)**

The right to health covers all issues regarding birth, growth and development.

Article 13
(Protection of life and health)

1. The child has the right to protection of life and health through public policies that allow its birth and wholesome, healthy development as befits human dignity.
2. The State ensures survival, growth and development of the child.

Article 14
(Protection of pregnant women)

1. The State must promote whatever measures are necessary to food support for pregnant women in need of it.
2. Pregnant women must be rendered pre-natal services through the National Health System.

Article 15
(Obligations regarding nursing)

1. The State and public bodies must provide conditions adequate to nursing, including those children whose mothers are subject to legal deprivation of freedom.
2. The State adopts legislative measures to safeguard the child's best interest and working women who are also at the nursing stage.

Article 16
(Duties of health facilities)

Health facilities and any other public or private service premises that render services to pregnant women must:

- a) maintain records of their activities through individual files
- b) use all their means at their disposal to ensure identification of newborns
- c) proceed to examinations in order to diagnose, in a timely manner, any anomaly suffered by the newborn and render due guidance to the parents
- d) provide special care, medical treatment and rehabilitation to disabled children
- e) provide assistance and information on basic child health and nutrition, the advantages of nursing, hygiene and sanitation, accident prevention, reproductive health and family planning
- f) supply a birth certificate
- g) maintain joint accommodation, permitting the newborn to remain in proximity to the mother.

Article 17
(Warranty of medical support)

1. The child must be provided with medical support through the National Health System, guaranteeing equal access to activities and services to promote, protect and recover health.
2. Children, especially disabled ones, must be given specialist care, as provided by law.
3. It falls to the State to ensure, in case of need, free supply of medicine, compensation materiel and other resources pertaining to treatment, habilitation or recovery as prescribed by law.

Article 18
(Monitoring of children in health facilities)

Public health facilities must provide conditions for full-time permanence of one parent or one of the child's guardians, should the child be committed to hospital.

Article 19
(Prevention of illness)

1. The National Health System promotes medical assistance programs for prevention of illnesses that normally affect children, as well as awareness campaigns on health issues aimed at parents, educators and students.
2. The State regularly promotes vaccination campaigns aimed at children against the main diseases

that are preventable by vaccination.

3. It is mandatory to vaccinate children in the cases recommended by national and international health authorities.

Article 20
(Report of mistreatment)

1. Where there is cause to suspect, or confirmation of mistreatment, abuse or violence against children, such instances must be reported to the nearest police authority, other legal measures notwithstanding.

2. Health facilities, social services and educational facilities are especially bound by law to abide by number 1 above.

CHAPTER II
The Right to Freedom, Respect and Dignity

Article 21
(General Principle)

Children have the right to freedom, respect and dignity as developing human beings and as subjects of human, civil and social rights.

Article 22
(Scope of the right to freedom)

The right to freedom comprises the right to:

- a) participate in family and community life, free from discrimination
- b) seek out refuge, help and guidance
- c) be in public places, with due legal restrictions
- d) play, engage in sports and amusement
- e) information
- f) opinion and expression
- g) association and assembly
- h) religious belief and worship.

Article 23
(Scope of the right to respect, dignity and integrity)

1. The right to respect consists in the inviolability of the physical, psychological and moral integrity of the child, as well as its personality and manner of thinking, covering also the preservation of the child's identity, autonomy, ideas and beliefs, values and personal belongings.

2. No child may be subject to arbitrary or illegal intrusion into its private life, family, domicile or correspondence, nor illegal offense to its honor and reputation.

3. Children may not be subject to torture, cruel treatment, arrest or illegal detention, all acts being punished which contravene the principles set forth herein.

Article 24
(Discipline and guidance)

Safeguarding the principles set forth in the article above, it is the child's right to be guided and disciplined according to its age, physical and mental condition, no corrective measure being justifiable if, by reason of the child's young age or any other reason, the child is unable to comprehend the purpose of said disciplinary or corrective action.

Article 25
(Safeguarding of dignity)

It is the duty of all citizens to preserve the dignity of the child, protecting it from any inhumane, cruel, violent, exploitative, humiliating, constraining or discriminatory form of treatment.

CHAPTER III

Right to family and community life

Section I

General provisions

Article 26 **(Right to a family and a name)**

1. It is every child's right to have a family, to know and live with its parents and other family members, in a healthful, harmonious manner.
2. Children have the right to a name and use of their family name.
3. To guarantee the provision under no. 2, above, the child must be registered immediately after birth.
4. The State guarantees the child's right to preservation of identity, including nationality, name, and family relationships, as provided by law and without legal interference of any kind.

Article 27 **(Right to alternative protection)**

The child who is temporarily or definitely deprived of its family environment or whose best interest prevents it from remaining with its biological family is entitled to alternative protection and special assistance by the State, as prescribed by law.

Article 28 **(Right to family accompaniment)**

1. All children are entitled to be raised and educated by their family and, exceptionally, by a foster or adoptive family and to enjoy family and community life.
2. The State uses all possible means to keep the child from being separated from its parents against their wishes, except if relevant authorities decide that such a separation is necessary; due process being observed at all times, and this serving the child's best interest.

Article 29 **(Right to contact with both parents)**

The State implements all legal mechanisms to ensure respect for the child's right, if separated from one or both parents, to maintain regular, personal relationships and direct contact with both parents, unless this is demonstrably against the child's best interest.

Article 30 **(Non-discrimination as a result of affiliation)**

1. Children, either born as a consequence of a married relationship or adoptive, have the same right, and any discriminatory labeling arising from affiliation is hereby prohibited.
2. Children have the same rights and are subject to the same duties regardless of the origin of their birth.

Article 31 **(Parental authority)**

Parental authority may be exerted, on equal terms, by father and mother, under the terms and conditions prescribed by law.

Article 32 **(Duties of the parents)**

1. With due observance to legal prescriptions, it is the parents' duty to support, watch over and educate their underage children, and, in the child's interest, to guide their education and promote healthy, harmonious development of the child, along with the obligation to abide by and enforce abeyance of court decisions.

2. Parents must also cover the expenses related to security, health and development of the child until the child is legally fit to support itself.

Article 33
(Warranties of parental authority)

1. Lack or need of material resources is not a sufficient motive for the lack or suspension of parental authority.
2. There being no other motive that, of itself alone, would authorize suspension of parental authority, the child will be allowed to remain with its biological family, which must be included in any programs to assist the child.

Article 34
(Disqualification and suspension of parental authority)

Disqualification and suspension of parental power may only be decreed by a court and abide by legal premises.

Article 35
(Violation of support duties)

Violation of the duty to support the child or the child's abandonment is punishable by law.

SECTION II
Alternative means to exertion of parental authority

Article 36
(General principle)

1. The child may be placed under the care of a guardian, adoptive or foster family, as prescribed by law.
2. Whenever possible and with due observance to law, the child must be previously consulted and its opinion duly taken into account.
3. Integration of the child as provided under no. 1 in this article must abide by the rules and procedures prescribed by law.

Article 37
(Provisional assistance measures)

Where it has become impossible to assist the child within its biological family or no alternative means has been selected, the child will be assisted, provisionally, in duly accredited organizations that must see to the child's basic needs.

CHAPTER IV
Right to education, culture, sports and leisure

Article 38
(Right to education)

1. Children are entitled to education in order to achieve full development of their gifts, aptitude and potential, preparing them to function as citizens and qualifying them for work, ensuring, namely:
 - a) equal-opportunity access and permanence in school
 - b) the right to be respected by their educators
 - c) the right to challenge evaluation criteria by resort to higher educational authorities
 - d) the right to organize and participate in youth and student organizations
 - e) access to public schooling as prescribed by the laws in force.
2. It is the parents' or guardians' right to be informed and aware of the pedagogical process, as well as to participate in the definition of educational strategies.
3. No child may be excluded from the school system for their gender, religion, social status, physical condition or health reasons.

Article 39
(Obligations of the parents)

1. It is the special duty of parents or persons with children in their charge to ensure, within their capabilities, necessary conditions for the child's physical, mental, spiritual, moral and social development.

2. Parents or guardians are responsible for the child's enrolment in the schooling system and ensuring that the child attends school.

Article 40
(Duties of the State)

It is the State's duty to progressively implement conditions to ensure:

- a) primary schooling, mandatory and free, including those who had no access to it at an adequate age
- b) extending mandatory, free schooling to middle school;
- c) specialized educational assistance for disabled students, preferably within inclusive schools
- d) assistance in kindergartens and other pre-school units, as prescribed by law
- e) access to primary schooling and other stages, to artistic research and creation
- f) access to literacy programs for children who are past school age
- g) assistance within primary schooling through supplementary programs comprising learning materials.

Article 41
(Support for general and vocational teaching)

It falls to the State to promote development of general and vocational secondary teaching in order to make it accessible to all children.

Article 42
(Promotion of primary schooling)

The State encourages measures to reinsert children who have been excluded from primary schooling.

Article 43
(Educational process)

The educational process must respect and foster the cultural, artistic and historical values deriving from the child's social background, guaranteeing the freedom to create and access to sources of culture.

Article 44
(Fostering creation of places of leisure)

The State must promote and facilitate conditions for the existence of premises intended for cultural, sporting and leisure activities aimed at children.

CHAPTER V
Right to work and protection of labor

Article 45
(Access to employment)

The requisites and conditions of access to employment by the child, as well as protection of labor, must be defined by law.

Article 46
(Exploitation at the workplace)

All manner of exploitation of child labor is prohibited, and the violation of this principle is punishable by law.

Article 47
(Rights of the working child)

1. The law must establish specific rights for working children, namely what kind of activity is to be allowed, definition of a schedule and special security measures.
2. It is forbidden to place children in night shifts or job positions where their health, physical or mental integrity may be put in jeopardy.
3. Employers must adopt measures to ensure the child's education and professional training.
4. The child's remuneration must be proportional to the work carried out, time and effort spent, and can never be lower than two thirds of adult pay for the same position, or lower than the minimum wage currently implemented.
5. Violation of the principles set forth in this article is punishable by law.

SUBTITLE III
Special rights and duties

CHAPTER I
Special duties

Article 48
(Prevention of threats or violation of rights)

1. All citizens and organizations have a duty to prevent threats to a child or violation of its rights.
2. Non-observance of number 1 above determines responsibility of the perpetrator, as defined by law.

CHAPTER II
Special rights

SECTION I
Information, culture, leisure, sports, amusement and spectacles

Article 49
(General principle)

The child has, among others, the right to information, culture, leisure, sports, spectacles, products and services that respect its condition as a developing person, as well as a right to participate in cultural and artistic life.

Article 50
(The right to amusement)

1. All children have, by law, the right to amusement and to enjoy public spectacles rated safe to their age group.
2. Children under ten may only enter a venue where a spectacle is performed or displayed in the company of their parents, relatives of legal age (up to four times removed), or of their legal representative.

Article 51
(Access to public places of amusement)

1. The Government, through its relevant bodies, warrants observance of the rules and regulations on access by minors to places of amusement in the evening and nighttime.
2. The Government regulates public spectacles and performances informing on their nature, what age group they are meant for, publishing this information outside the venue, highlighting information on the nature of the entertainment and what age group it is intended for in the published rating certificate.

Article 52
(Regulation of radio and television programs, sale and rental of films, publications and gambling venues)

1. The Government provides for regulation of activities pertaining to radio and television programs, the sale and rental of films, magazines and other publications, as well as pool halls and gambling venues, in order to guarantee the protection of children.
2. The State, families and communities must provide for use of information technologies that safeguards the child's best interest.

Article 53
(Broadcast of radio and television programmes)

1. Radio and television broadcasters may only broadcast, during the hours recommended for children and youths, programs whose purposes are educational, artistic, cultural and informative.
2. No program or spectacle may be broadcast or announced without notice of its rating before broadcast, presentation or exhibition.

Article 54
(Sale or rental of films)

1. Owners, directors, managers and employees of companies whose business it is to sell or rent films must see that there is no sale or rental in violation of ratings assigned by the relevant authorities.
2. Films must display, on their packaging, a notice of the nature of the work and the age group the film is intended for.
3. It is not allowed to sell or rent a movie to a child in violation of the numbers above.
4. Non-observance of the principles set forth in this article is punishable by law.

Article 55
(Magazines and publications)

1. Magazines and publications containing material unsuitable for children must be sold within sealed wrapping, which must bear a notice on the contents of said publications.
2. Publishers must see that covers containing pornographic or obscene messages are shielded by opaque wrapping.
3. It is not allowed to sell children any pornographic publications.
4. Non-observance of the principles set forth in this article is punishable by law.

Article 56
(Restrictions on magazines and publications for children)

Magazines and publications intended for children and youths may not contain illustrations, photos, captions or commercials for alcoholic drinks, tobacco, guns and ammunition, and must respect the ethical and social values of the child and its family.

Article 57
(Pool halls and gambling venues)

Those responsible for commercial establishments that exploit pool tables, similar activities, gambling or betting venues, regularly or irregularly, must see that the entrance and permanence of children is not allowed; they are likewise bound to display a relevant notice for public guidance.

SECTION II
Products and services

Article 58
(Prohibition on product sales)

1. It is not allowed to sell children any:
 - a) guns, ammunitions or explosives
 - b) alcoholic beverages
 - c) products whose components may cause physical or psychological addiction, albeit through misuse
 - d) fireworks, except those which, by virtue of limited potential, may not cause any physical harm through misuse

- e) lottery tickets or any equivalent of same.
2. Non-observance of the principles set forth in this article is punishable by law.

Article 59
(Hosting of children)

1. It is forbidden to accommodate a child at a hotel, motel, long-term hostel or any similar establishment save when the child is so authorized or is accompanied by their parents or legal representative.
2. Non-observance of the principles set forth in this article is punishable by law.

SECTION III
Permission to Travel

Article 60
(Limitation on the child's exit from the country)

No child may travel outside the country unaccompanied by the parents or their legal representative, without manifest authorization from the parents, or from a court authority when the parents have been disqualified.

Article 61
(Travel accompanied by one parent)

1. When traveling abroad, authorization is waived if the child travels accompanied by one parent, authorized by the other parent, or if the child is authorized by a relevant court if the other parent is unable or refuses to provide authorization.
2. Where parents do not live separated, either de facto or de jure, consent is assumed.

SECTION IV
Kidnaping, selling and trafficking of children

Article 62
(Right to protection from kidnaping, selling and trafficking)

The State must adopt special legal and administrative measures to prevent and deter kidnaping, selling and trafficking of children, independently of the ends in sight or whatever form these may take.

SECTION V
Exploitation of children for prostitution and other illicit sexual practices

Article 63
(Right to protection from prostitution and other illicit sexual practices)

1. The State must implement legislative and administrative measures to protect children against all forms of exploitation and sexual abuse, deterring, namely:
 - a) enticement or coercion of the child by parents, guardians, foster families, legal representative or third party, to lead the child into illicit sexual activities
 - b) exploitation of the child through prostitution and other illicit sexual practices
 - c) exploitation of the child in pornographic material or displays
 - d) use of the child in acts of pedophilia.
2. The legislative measures to implement must provide for harsh punished against those who entice, coerce, abuse, use or exploit children through any of the acts mentioned under no. 1.

SECTION VI
Abuse, mistreatment and neglect

Article 64
(Right to protection from abuse, mistreatment and neglect)

1. The State must adopt special legislative and administrative measures to protect the child against

any form of physical or psychological abuse, mistreatment and neglect from their parents, guardians, foster families, legal representatives or third parties.

2. In the legislative measures to adopt there must be provision for punishment against the authors of abuse, mistreatment and neglect.

SECTION VII *Economic exploitation*

Article 65 **(Right to protection from all forms of economic exploitation)**

The State must adopt legislative, administrative, social and educational measures to protect the child from any form of economic exploitation by relatives or third parties.

TITLE II **Special Part**

SUBTITLE I *Assistance policy*

CHAPTER I **General principles**

Article 66 **(Materialization of assistance)**

1. Assistance rendered to the child materializes through a set of actions coordinated among government bodies and duly accredited non-governmental organizations.

2. Where it has become impossible to assist the child within its biological family or no alternative means has been selected, the child will be assisted, provisionally, in duly accredited organizations that must see to the child's basic needs. This assistance is to be translated into:

- a) socio-familial guidance and support
- b) open-ended socio-educational support
- c) family integration
- d) accommodation in custodial organizations.

Article 67 **(Assistance policy)**

The following are basic drives of assistance policy:

- a) basic social policies
- b) social assistance policies and programs, as an alternative, tendered to those in need
- c) special services for prevention and medical/psychosocial assistance rendered to victims of neglect, mistreatment, exploitation, abuse, cruelty and oppression
- d) services for the identification and location of parents or guardians and missing children
- e) legal and social protection by entities accredited for child rights advocacy and defense.

Article 68 **(Special assistance)**

The Government must implement adequate measures for special assistance, including legislative, administrative, social and educational measures to protect children in difficult or risk situations.

Article 69 **(Guidelines of the assistance policy)**

The following are guidelines of the assistance policy:

- a) decentralized assistance
- b) creation of a National Council for the Rights of the Child, ensuring equitable civil participation

- through representative organizations, as prescribed by law
- c) creation and maintenance of specific programs, in accordance with political and administrative decentralization
 - d) awareness-raising with the public to foster participation within civil society.

Article 70
(Guiding principles of assistance and foster care)

Institutions accredited for assistance and foster care of children must abide by the following principles:

- a) To preserve, whenever possible, family bonds and relationships, names, nationality and socio-cultural identity
- b) ensure that siblings remain together
- c) provide for educational, cultural and leisure activities
- d) avoid transfer to other care institutions
- e) ensure preparation of the child for independent living
- f) promote involvement of the community in assistance activities
- g) ensure participation of the child in the life of the local community

Article 71
(National Council)

It is the Government's duty to regulate the composition, functioning and duties of the National Council for the Rights of the Child.

CHAPTER II
Care Institutions

SECTION I
General provisions

Article 72
(Execution of protection programmes)

1. Assistance organizations are responsible for the maintenance of their units and for planning and carrying out protection and social/educational programs meant for children, under the following categories:

- a) social/family guidance and support
- b) open-ended social/educational support
- c) family placement
- d) accommodation in protective institutions
- e) assisted freedom
- f) commitment.

2. Government and non-government bodies must register their programs and specify their respective category, as stated under this article, with Social Work services, who maintain records of registration and changes to said registration and will communicate this information to court authorities and the Chief Prosecutor office.

Article 73
(Mandatory register)

Non-government bodies may only operate after they have registered with Social Work services, will communicate this information to court authorities in their jurisdiction and the Chief Prosecutor office.

2. It is the Government's duty to regulate terms for accreditation and registration of non-government bodies that undertake foster care of children.

3. Entities will be refused registration if:

- a) they do not manage premises with adequate hygiene, security and habitable conditions
- b) do not present a work plan that is compatible with legal principles
- c) is irregularly incorporated
- d) employs under-qualified staff.

Article 74

(Exceptional or urgent care)

Entities that manage foster care programs may, exceptionally and urgently, accommodate children without prior consent from relevant authorities, communicating this fact within the following five working days.

Article 75 (Obligations incurred by foster care institutions)

1. Entities undertaking commitment programs must, among other obligations:
 - a) respect childrens' rights and entitlements
 - b) not limit any right that has not been the object of restriction upon decision to commit the child
 - c) offer personalized assistance, in small units that manage small groups
 - d) preserve identity and nurture a respectful, dignified environment
 - e) work to reestablish and preserve family bonds
 - f) periodically report to court authorities any cases where it is unfeasible or impossible to reestablish family bonds
 - g) offer premises with adequate habitability, hygiene and security, along with objects necessary to personal hygiene
 - h) offer sufficient and adequate clothing and nourishment according to the age group being served
 - i) offer medical, medicinal and psychological care
 - j) provide schooling and vocational training
 - k) offer cultural, sporting and leisure activities
 - l) offer religious assistance to those who wish it, according to their beliefs
 - m) undertake social and personal study of each case
 - n) periodically reassess each case, reporting the findings to any relevant authority
 - o) periodically inform the committed child of their case status
 - p) report to relevant authorities all cases of children carrying infectious diseases
 - q) supply document evidence of deposit for the child's belongings
 - r) maintain programs for the support and accompaniment of the child
 - s) provide those who do not possess them with documents needed for the exertion of their citizenship
 - t) maintain a record of the date and circumstances of assistance, child's name, parents or guardians, relatives, addresses, gender, age, educational monitoring, inventory of the child's belongings and any other data serving the purposes of the child's identification and personalized assistance.
2. When carrying out the obligations stated in this article, units will resort preferentially to the resorts of the community.

SECTION II Audit of Institutions

Article 76 (General Principle)

Government bodies and non-government bodies are audited by courts, by the Chief Prosecutor and by the Social Work services.

Article 77 (Accountability)

Operational plans and fund allocation must be reported to the State or to municipal authority, according to the source of funding.

Article 78 (Measures applicable to non-observance of the rules of foster care)

1. In addition to civil and criminal liability of the directors or their subordinates, the following measures may be applied to institutions found in violation of article 75:
 - a) warning
 - b) partial or total suspension of the allocation of public funding
 - c) ban on activities or suspension of their program
 - d) cassation of their license and banning from the undertaking of foster care programs.

2. Where there is repeat offense by foster care institutions, and said violation jeopardizes the rights set forth in this law, the offense must be reported to the Chief Prosecutor that its office may undertake pertinent action, including a ban on activities or the dissolution of the organization.

SUBTITLE II
Protective measures

CHAPTER I
General provisions

Article 79
(General principle)

1. Child protection measures are applicable whenever the rights set forth in this law come under jeopardy or are violated in any form:
 - a) by action or omission from either society or State
 - b) by fault, omission or abuse from parents, guardian, foster family or legal representative
 - c) by conduct.
2. Measures for child protection are set forth in this law and other associated legal texts.

Article 80
(On the application of specific protection measures)

When applying measures, pedagogical needs must be taken into account, preference being given to those that will strengthen family and community bonds.

SUBTITLE III
Child in conflict with the law

CHAPTER I
General provisions

Article 81
(Offense)

Any conduct by the child described as a criminal offence or a misdemeanour is considered an act against the law.

Article 82
(Criminal liability)

The child's criminal liability must be defined under penal law.

Article 83
(Measures applicable to minors under 16)

Children under 16 may not be subject to the deprivation of freedom; they may only be subject to tutelary measures as prescribed by law.

Article 84
(Measures alternative to imprisonment)

Children over 16 and under 18 committing a minor offence shall, whenever possible, be subject to measures that provide an alternative to imprisonment.

CHAPTER II
Special rights

Article 85

(General principle)

1. Excepting the provisions of law, no child deemed unaccountable shall be deprived of its freedom save when apprehended in flagrant delict or by written, fundamented order from the relevant court authority.
2. The child is entitled to have those responsible for its arrest identified to it, and must be informed of its rights.
3. A child deprived of freedom is segregated from adult inmates and has the right to maintain regular contact with its family.
4. The State provides children deprived of freedom with ready access to legal assistance and guarantees humane treatment in accordance with human dignity and the child's age and personal needs.

Article 86 (Duty of report in case of arrest)

The arrest of any child and the place where it is held in custody must be reported to a relevant court authority and the family of the detainee or any other person indicated by the detainee.

Article 87 (Term of imprisonment)

The length of imprisonment without charges must abide by the terms and deadlines set forth in penal process law.

Article 88 (Conviction)

Conviction must be founded on sufficient evidence of guilt, be duly fundamented and the imperious need for the ruling meted out must be demonstrated.

Article 89 (Identification)

A child identified civilly is not subject to compulsory identification by police and court authorities, save in case of confrontation, there being reasonable doubt.

CHAPTER III Procedural guarantees

Article 90 (General principle)

No child is deprived of its freedom without due process.

Article 91 (Guarantees)

Among other guarantees, children are ensured the following:

- a) full, formal knowledge of the charges, through notification or equivalent means
- b) equality before procedural law, being allowed to confront plaintiffs and witnesses and produce all evidence necessary to its defense
- c) adequate defense
- d) free full judicial assistance to those in need, as prescribed by law
- e) the right to be heard by the relevant authority
- f) the right to be monitored by social work services
- g) respect for its private life throughout the proceedings
- h) not being forced to testify or plead guilty
- i) the right to request the presence of the parents or legal representative at any stage of the proceedings.

CHAPTER IV
Social/educational measures

SECTION I
General provisions

Article 92
(Social/educational measures)

Social/educational measures and respective rules are defined by legislation on minors and legislation on the prison system.

SUBTITLE V
Access to justice

CHAPTER I
General provisions

Article 93
(General principle)

1. All children are guaranteed access to the Chief Prosecutor and the Courts as prescribed by law.
2. Free legal assistance is given to those who need it, as prescribed by law.

Article 94
(Prohibition on divulgement of judicial or equivalent acts)

1. It is hereby prohibited to divulge judicial, police or administrative action concerning the child charged with a criminal offense.
2. Any news regarding the above is prohibited from identifying the child, displaying pictures of the child, or indicating name, surname, affiliation, relatives, place of residence, or name and surname initials.

Article 95
(Copies)

Copies of, or certificates for, actions designated by the preceding article will only be granted by the court authority if the use and purpose of said copies is duly demonstrated.

CHAPTER II
Juvenile Court

SECTION I
General provisions

Article 96
(Jurisdiction over minors)

Jurisdiction over minors must be a voluntary jurisdiction to be carried out by a court authority, as prescribed by law.

Article 97
(Organization of jurisdiction over minors)

The organization, functioning and duties of jurisdiction over minors are prescribed by law.

SECTION II
Procedural rules

Article 98
(General principle)

Procedural rules are prescribed by law in observance of the principles stated in the Convention on the Rights of Children.

SUBTITLE VI
Final and transient provisions

Article 99
(Complementary norms)

That which is not provided for in this Law will fall under the scope of general laws provided in relevant legislation.

Article 100
(Duty of regulation)

The Government is bound by law to draft regulations on the principles envisioned in this Law within a year.

Article 101
(Repeal)

All legislation contrary to the principles of this Law is hereby repealed.

Article 102
(Entry into force)

The present Law will enter into force within 180 days from the date of publication.

Approved by the Assembly of the Republic on April 23, 2008.

The President of the Assembly of the Republic, Eduardo Joaquim Mulémbwè.

Decreed on June 16, 2008.

Let it be published.

The President of the Republic, Armando Emílio Guebuza.