For 2015, the Third Study Commission has selected “Juvenile Justice” as the topic for study and discussion. The treatment of juveniles in the criminal justice system is of special importance. Juvenile crime is generally recognized as quite different in quality from adult crime. The need to deter and punish criminal conduct by juveniles, and to account for the interests of the victims of such crime, must be balanced by the recognition that youthful offenders may not have fully-formed notions of the wrongfulness of their conduct, as well as the idea that a juvenile offender should be treated in a way that promotes the likelihood of a law-abiding lifestyle in adulthood.

To facilitate our study and inform our discussions, we request the following information with respect to your country’s system of Juvenile Justice:

1) Please describe how juvenile crime is handled in your country, including:
   A) the age at which a person is considered a juvenile, B) a description of court process including information on any specialized courts for handling juvenile crime, C) whether there is a right to have an attorney and D) how trials are conducted.

In Mozambique people are considered children up to 18 years of age and younger before 21 years of age. The criminal liability starts at 16 years of age and in case of commission of a crime by a minor, they are tried in ordinary courts, which are also judged the adults, subject to the same rules, except in the application of the penalty because the Criminal Code prohibits the application of a prison sentence up to eight years for persons under 18 years and the application of a prison sentence up to 12 years for persons under 21 years of age. As adults are also entitled to a lawyer.

2) If a juvenile is detained in custody, are there special facilities to maintain separation of juveniles from adults?

Only two, one in Boane (Maputo Province), southern Mozambique, and the other in Nampula in the north.
3) Are judges specially trained? How?

There is no specific training for judges dealing with juvenile delinquency.

4) In your country, are juvenile cases handled separately from adult cases? How?

In the cells of the police stations during the preparation of the case and the trial juvenile offenders are treated the same way as they are treated adults who have committed a crime or are suspected of committing a crime.

But in prisons there are pavilions for young offenders separate from adults.

Minors have a different rehabilitative program for adults as it is facing education.

5) If a crime is committed by a juvenile, what is the range of punishment? Are there specialized prisons? What education and/or counseling is available to the juvenile offender when in prison or other custody?

The penalty is the same applicable to adults, with the difference that for persons under 18 years can not be applied sentence of more than eight years in prison and under 21 can not be applied penalty of 12 years in prison.

There are only two establishments for young offenders, one in the south and one in the northern part of the country. But also in prisons where detainees are adults, young people are separated from adults.

Are subject to educational programs and counseling. But the lack of staff does not allow the counseling program is comprehensive and ongoing educational programs and no shortage of classrooms for technical and professional training.

6) Are juvenile prosecutions open to the public, or are they handled on a confidential basis?

As it follows the same rules imposed on adults, the process is confidential only in the case of sexual crimes.

7) Can a juvenile prosecution case be transferred to adult court? If so, what are the considerations and how is that handled? Who decides, the judge or the prosecutor?
Criminal cases in which a minor is involved are resolved in the criminal sections of ordinary courts.

8) **Is there a role in juvenile prosecutions for a social worker? What is that role?**

All people, young and old, when they are held are subject to an interview with the lawyer, social worker and physician and health. After the staff of social rehabilitation examines the reports and decides what treatment should be given to detained.

9) **Is there a role for Restorative Justice in juvenile cases?**

No.

10) What do you see as the strengths and weaknesses of your country’s juvenile justice system?

**Weak points**

There is no policy on juvenile justice, although UNICEF has made the approach and even studies on the subject.

When the young man is arrested and at trial is subject to the same treatment as adult and rarely have a social support and legal support is very weak.

11) **If you could change anything in your country’s system of juvenile justice, what would you change?**

- Would increase investment for the rehabilitation of young offenders and these would always be separated from adults, from arrest to conviction. The programs in detention facilities for juvenile offenders would be facing education in order to give opportunity to those who have not gone to school, technical and vocational training so that they could learn a trade that could guarantee them employment after the sentence is served.
- For less serious situations would introduce alternative measures to prison.